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WHAT THE AMERICAN FLEET COULD DO FOR CHINA.

BY B. L. PUTNAM WEALE.

WHAT does that part of the American public which takes an intelligent interest in Oriental affairs hope from the visit of the battleship fleet to Chinese waters? Is it expected that the mere fact that this powerful armada will anchor off the coasts of China, thus advertising to Continental Asia what American naval strength is, will be sufficient materially to correct a situation which, since the close of the Russo-Japanese war, has become full of highly disconcerting, if not of alarming, elements? Or is it perhaps feared that this visit, if it is made anything but the purest formality, may serve to intensify, rather than to relieve, the peculiar symptoms which have been so widely commented upon since those almost-forgotten days when the Treaty of Peace, concluded at Portsmouth, was the subject of endless encomiums?

These and similar questions are just now interesting every intelligent observer resident in the Far East; and, though the full answers can only be guessed at, partial answers are eagerly read in such summaries of opinion as come over the telegraph-wires, or travel out by the slow-moving mail-boats. This curious solicitude exists mainly because the hope is now almost universally cherished in the Far East that the United States will play a com-

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manding rôle in the near future, and will under no circumstances suffer herself to be relieved of her responsibilities by any such complacency as characterized her attitude during the time of the passing of unfortunate Korea.

And here, incidentally, we have the *crux* of the whole question. How far is America's moral responsibility in the Far East held by American statesmen to go? If the American Government believes that it would be unwise, and even dangerous, to adopt, for the time being, anything but a very perfunctory attitude—ignoring the real problems and dwelling on the unimportant ones—then the American fleet would do well to remain far away from China and not to raise false hopes. If, on the other hand, intelligent and active solicitude is going to be shown for China's future welfare, then an immense amount of good may come from the visit of the fleet to Chinese waters. The exact reasons for this statement are duly set forth in this article.

First, however, as an introduction, it must be said that, though a comparison between China and Korea may seem at the moment out of place, American readers should remember that Manchuria is as much a portion of modern China as the Pacific States are of the American Union: and, therefore, if what is going on in Manchuria (the occupation of which is exactly similar from the Chinese point of view to an occupation of California from the American point of view) to-day passes unchallenged and unnoticed, save in a perfunctory manner, in the to-morrow of diplomacy a similar state of affairs could easily arise in any other portion of the Chinese Empire at a moment when the world's attention was distracted by other problems. And then, with this precedent of Manchuria to be pointed at by the usurping Power, it would be difficult for any friendly Power, with the *fait accompli* staring it in the face, to advance the argument that the disintegration of China was being more actively prosecuted than heretofore.

This is why the present times are so important. They are important because they furnish both clues and arguments regarding what the to-morrow may bring, and they are still more important because they also provide the remedy. Though the situation in Manchuria is undoubtedly a special one, and has been tacitly assented to for obvious reasons by the rest of the world, it is nevertheless entirely illegal from a moral standpoint. And if this

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illegal occupation continues to be tacitly assented to to-day, he would be a bold man who would dare to proclaim, as has been assumed, that no circumstances could arise which would allow, in a somewhat similar manner, another portion of the Chinese Empire to fall under the open sway of aliens.

If this is the case, it is time to find at once the preventative. That is why the question arises as to what the American fleet could now do for China—without endangering in any way the peace of the Oriental world. America has so constantly proclaimed her desire to help China that it is not strange if she is now being taken at her word. First it is necessary to see just what things would be materially benefited by the action of a strong and independent Power, unhampered by any entangling alliances. Those things having been determined, it should be easy to proceed.

The matter which invites immediate attention is not so much Manchuria as the general question of the immediate revision of China's Commercial Treaties with all the Powers. What is above all things necessary at the present moment is, not to cavil at what has come about in the past, but to insure and promote, as rapidly as possible, the growth of the New China, the one factor which, of itself, can redress the disturbed balance of power, always provided that a helping hand is given at the start. In Manchuria, the United States Government, for the time being, can merely continue to insist, as she is insisting, much to the pleasure of right-thinking Englishmen, that her consuls shall recognize none but the Chinese authorities. With this lever at work, the presumption of both Japanese and Russians will be checked as much as is possible without a complete revision of the position in the occupied territory; and with Chinese officials, encouraged thereby, straining every nerve to regain all they have temporarily lost, things will slightly improve of themselves.

But, with China's Commercial Treaties it is quite different. It is no longer in this matter a question of dealing with two Powers, which have acquired certain rights in a certain territory; but it is a question of driving into the same camp—a camp which they are really pledged to enter—all the Powers which have treaty relations with China. In order to understand the present vast importance of this question to the Peking Government, a rapid general explanation, condensed as much as possible, must here be

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interjected. The problem involved is so intimately concerned with the general problem of the New China that no apology is necessary for recording certain rather weather-worn, historical facts. They indeed form another portion of the essential introduction.

In 1900 that strange movement arose in Northern China which culminated in the Boxer outbreak. By a curious combination of circumstances, which can never be properly explained, the Peking Government, weakened almost to a breaking-point by the disintegrating policy which had steadily been pursued by the Powers from the close of the disastrous Japanese war of 1894-95, after a period of curious vacillation, threw in its lot with the Boxers.

The collapse of the Boxer movement and the occupation of Peking by the avenging allies, a few weeks after the first shots had been fired, soon found the Manchu Court and the whole machinery of government safely hidden hundreds of miles away in the distant Shansi province. After the manner of discredited governments, the Court and the high officials had quickly fled from the scene of their misfortunes; and only from the safe retreat they had chosen were negotiations at length opened with the Powers. Two high Chinese plenipotentiaries having been appointed to negotiate a peace, after nearly a year of *pourparlers*, an agreement was reached with all the Powers and recorded in a document which is now recognized as being imperfect and damaging to China's international status.

This document was the Peking Peace Protocol. It was signed by the many plenipotentiaries in September, 1901, some thirteen months after the relief of Peking. Ample time, therefore, had elapsed for drawing up a proper and comprehensive document, to which should have been annexed, not only matters of secondary importance, but all matters of primary importance. Yet there were next to none of such annexions. Though the manner in which various Manchu princes and high Chinese officials, implicated in the Boxer business, were to be punished was minutely specified; and though also the manner in which the crushing general indemnity of some three hundred million gold dollars was to be paid was mathematically worked out on a banker's system, the very first matter of importance—the question of reconstruction, of giving China a helping hand to rise from the prostrated position in which she lay—this matter was indefinitely postponed.

That was a question for China to settle herself as best she

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could. She had sinned; she was being punished; her punishment was the supreme question; and, consequently, when the exhausted diplomatists of Europe threw their pens aside, and exchanged congratulations with the Chinese plenipotentiaries, they possibly imagined that the signature of the Protocol had completed historic and abiding work. How abiding it was may be gauged from the fact that, twenty-nine months later, another great conflict was raging almost within sound of Peking. Though perhaps nothing could have prevented this conflict, its settlement would have been very different if in 1901 the Powers had really done their moral duty.

If all the nations whose representatives had signed this Peace Protocol had been permanently satisfied with the position of the Chinese question, it would have been a sorry day for the Far East. But, fortunately, the altruism enforced on a few Governments by the strict moral principles of their citizens soon found tentative expression. It was admitted in both England and America, before and after 1901, that steps must be taken to improve matters in China as much as possible; and new Treaty Commissioners were spoken of, and attention was indeed publicly drawn to the fact that their speedy appointment was essential.

It was high time for something of the sort. Though it is undoubtedly right to punish, it is equally right—nay, it is an imperative moral duty — to help those who have transgressed. Nations, like individuals, sin, not because they are inherently bad, but because they are very human. And the moral duty was very clear at that time in China.

For with the conclusion of the Peace Protocol and the return of the Court to Peking, China had been able to take stock of the situation a little more clearly, and at last understood how greatly entangled matters really remained, and how little the solution had been advanced by the Peace Protocol. First, she carried out the punishments of the Protocol; then she had to begin paying the monthly quotas of the great national fine which had been imposed. This amounted at once to some $15,000,000, United States gold, a year—a great sum in an undeveloped country. Further, these annual payments were gradually to be increased and would not come to an end for thirty-nine years. As the entire revenues derived from the Chinese customs were hypothecated for the service of the loans contracted to pay the Japanese indemnities

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of the war of 1894-95, new sources had to be found and set apart for the new indemnity. Consequently, the richer provinces were called upon by the Central Government to find the money as best they could, and thus a new source of discontent was created. For, among a simple agricultural population, it was not strange that the idea should have become quickly disseminated that the foreigner, having unjustly beaten them, was now only robbing them in yet another way. In Asia it is always important to note the final effects of foreign action—that is, the effect on the masses of semi-ignorant population of diplomatic decrees. The European plenipotentiaries, who signed the Peace Protocol of 1901, had almost purposely passed over the one sound method of obtaining an increased revenue from which to discharge this fresh European obligation—that is, by indirect taxation. The method was to be found in simply agreeing at once to a general increase in the Chinese customs tariff—that is, by revising the Commercial Treaties. All the Treaty Powers were in 1901 perforce seated at the same round-table, and all were interested in a prompt settlement. Had the Chinese case been more ably handled, it would have been quickly understood that such unanimity among the Powers could never be secured again, and that it was essential that, at the time when the Protocol was prepared for signature, Commercial Treaties should be drawn up conferring on China the right to reorganize her tariff. Since the Powers desired to obtain their money at all costs, they would have speedily agreed then to anything reasonable. Half of them had included in their Boxer claims against the Chinese Government enormous sums not representing actual expenditure, conspicuous among these being Germany, Russia and France; and to get these claims agreed to, as they finally were only after much haggling and cutting down, even a tariff increase would have been very acceptable.

China let the moment slip. As has happened again and again, she was ill advised; and the two high Chinese plenipotentiaries, being desirous above all things to make it possible for the Court to return speedily to Peking, were only too glad to sign a document in which the general punishment terms had been whittled down to their irreducible minimum, but in which proper provision for the future had been shamefully ignored. In a single Article of the Protocol—Article XI—provision is indeed made for this all-important revision of Commercial Treaties; but this is done in

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language so singularly lax that it is open to grave misconstruction and constant evasion. Though this tariff revision was a matter of prime importance to the Chinese Government, Article XI merely says:

> "The Chinese Government has engaged to negotiate amendments, judged useful by the foreign Governments, to the treaties of commerce and navigation, and other subjects touching commercial relations, with a view to facilitating them."

There was that and nothing more.

From the foreign—that is, the European-American—point of view, a certain amount of justification for this indifference was to be found in the conditions then obtaining throughout the world—conditions which were vividly reflected in Peking, and occasioned much secret alarm to the so-called Allies. England was not only still much preoccupied with South Africa, but she had further the misfortune to be represented in Peking by a diplomat whose constant effacement, when he should have played a leading part, was a matter of profound surprise among both high Chinese and Continental officials. America had not yet properly realized the overpowering importance of a strong China; and, further, she was not in a military position to play any commanding rôle. Russia and Japan, already dimly perceiving the possibilities of the future, were in a sullen and suspicious mood, and did not care what happened so long as one did not get the advantage over the other. As for the other Powers, they merely desired to pull as many chestnuts out of the fire as possible.

Fortunately, however, as has been said, there were other forces soon at work. In both England and America there undoubtedly existed an uncomfortable feeling in influential circles that China had been rudely handled; and the British Government, owing to the firm Russian occupation of Manchuria, which had come, was made quickly alive to the real necessity of rounding out the crude diplomatic work of the year 1901.

Accordingly, a treaty mission was finally sent to China in 1902, and in October of that same year Sir James Mackay, the British plenipotentiary, had done his work so well that he was able to affix his hand and seal to the now well-known, though inoperative, Mackay Treaty, in which were settled all those things which should have been attended to in Peking in 1901.

Summing up rapidly the main benefits of this treaty from the

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Chinese revenue point of view—and leaving aside all other questions—this is what was agreed to: First, that *likin*, or provincial taxation of merchandise travelling in the provinces, should be entirely abolished; second, that the import tariff should be raised from an effective five-per-cent. tariff to an effective twelve-and-a-half-per-cent. tariff; third, that the export tariff should be raised from an effective five per cent. to an effective seven and a half per cent.; fourth, that, in view of the abolition of *likin* on native goods, a so-called consumption-tax, equivalent to ten per cent. of the value, should be levied on native goods at the place of consumption—*this tax, as well as all other taxation of trade, to be overseen and controlled by the Imperial Maritime Customs.*

All this was an immense step. It has been calculated that the results of this treaty going into force would roughly be to double the present annual Chinese customs revenue of thirty million gold dollars, thus allowing the service of all Chinese debts and indemnities to become practically unified by their being drawn from the same source, and also giving directly to the Peking Government—as distinguished from the provincial Governments—a handsome annual surplus from which to take the sums necessary for a gradual naval and military reconstruction. The importance of these things will be clear to every mind.

But this treaty manifestly could not go into force, as regards any of its essential clauses, without all Treaty Powers concluding identical treaties. Soon after the British-Chinese treaty had been completed, the United States Government, equally alive to the necessity of reaffirming in this way the integrity and autonomy of China, and as an offset to the Russian usurpation of Manchuria, began similar negotiations; whilst the Japanese Government, then equally solicitous about the so-called open door, hastened to follow in America's footsteps. Thus in October, 1903, both the American and Japanese treaties with China were signed. They were practically identical with the British treaty.

The outbreak of the great Far-Eastern war in the following year was a profound misfortune to China in this matter of Commercial Treaties. With the fate of the Far East hanging in the balance, it was not to be supposed that routine treaty-making could be insisted on. Thus, although China later on began commercial negotiations with other Powers, notably with Italy and Germany, on various pretexts negotiations were broken off, and

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only one more treaty identical with the British-American-Japanese conventions—the Portuguese treaty—was completed. Thus to-day—that is, some *seven* years after the Protocol of 1901—only *four* Powers, out of *thirteen* which signed the international peace of 1901 with China, have done their manifest duty.

The main reasons for this delay are two: first, China's inability, owing to the vague language of Article XI of the Protocol, to enforce revision; and, second, the fact that in the Mackay Treaty—the model which America and the others accepted—there are certain clauses which specifically forbid any questionable practice of the kind the Powers have loved to indulge in in China. In section 14 of the famous Article VIII of the Mackay Treaty (the article that unconditionally abolishes *likin*), it is stated categorically:

"(1) That all Powers who are now or who may hereafter become entitled to most-favored-nation treatment in China enter into the same engagements.

"(2) And that their assent is neither directly nor indirectly made dependent on the granting by China of any political concession or any exclusive commercial concession."

Now, many Powers, not being actuated at all by altruistic motives, cannot see why, if they assent to an increased Chinese tariff, they should not get some special privileges in return. They are not content to feel satisfied, as the British and American Governments are quite willing to be satisfied, that China's advantage will ultimately be their advantage; as in 1901, they want something which can be converted without delay into cash. Such is, frankly, the real state of international morality in China—it is mainly a question of dollars; and certain nations which have lately been pointing the finger of scorn at the so-called American worship of the Golden Calf are notoriously in China the very worst offenders in this respect.

Moreover, there is yet another clause in this much-discussed Mackay Treaty which specially affects two countries whose possessions are conterminous with those of China. These countries are Russia and France, both of which have a special land trade to protect, and both of which have been studiously avoiding treaty revision. Section 2 of the same Article VIII of the Mackay Treaty states "that the same amount of surtax (*i. e.*, the increased twelve-and-a-half-per-cent. import tax) shall be levied on goods imported into the eighteen provinces of China and three

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provinces (*i. e.*, Manchuria) across the land frontiers as on goods entering China by sea."

Now, this land trade between Siberia and Manchuria in the north, and between French Indo-China and Yunnan-Kwangsi-Kwangtung provinces in the south, has always been subject to reduced taxation and special treatment in the past, in view of the fact that it has been carried on in the face of great natural difficulties by populations which are both scanty and isolated. Yet, though the building of railway systems on both these frontiers (a step which is now complete) alters radically the old conditions, neither Russia nor France is anxious to alter radically the Chinese *tariff*. In other words, they do not feel inclined to pay their share towards China's reconstruction, and only a pressure far greater than any China can exercise will convert them to sane views. Finally, as regards all the other Powers, only one, Germany, has any commercial importance in China. The remaining six countries which signed the Protocol of 1901 have scarcely any commercial interests at all and would undoubtedly merely follow the lead of the others in China.

But, before turning to the solution, it is necessary to say one further word regarding a smaller matter not touched upon by the Protocol of 1901 nor, indeed, by any Commercial Treaty. This is the question of post-offices. As is well known, in countries where extra-territoriality still obtains—that is, in China, in Turkey and in Siam—the foreign Powers operate their own post-offices wherever they wish in any of the so-called open ports, or places open to international trade. The result in China has been that all Powers having subsidized mail-ship lines running to the Far East, or railways running into China, have now their own post-offices at various places, worked mostly in conjunction with their Consulates. Until the late war this privilege was not much abused; but, since the Portsmouth Peace, Japan has practically dotted the whole of Southern Manchuria with her post-offices, and is acting in postal as in other matters in the most arbitrary manner possible. If China were in no position to attend to her letter-carrying obligations there would be little to say. But the plain facts are these:

For eleven years China has been devoting herself sedulously to postal improvement and expansion. Since 1897 the Imperial Chinese Postal Service has been a Sister Service of the Imperial

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Maritime Customs Service—both of which have been under the control of the far-famed Sir Robert Hart. During the last four or five years, postal expansion has been so rapid that there are now nearly 2,500 Chinese post-offices; and letters are carried on a perfect system rapidly from one end of the Empire to the other. Though China is not yet a member of the Postal Union, the system now in force secures for her the co-operation of the foreign post-offices.

The reason she has been forced to refrain from entering the Postal Union is a very peculiar one. Owing to that short-sighted complacency which she has shown all too frequently in the past, China was induced to place on record some years ago that, on her joining the Postal Union and separating her Postal Service completely from the Maritime Customs Service, a French Director-General would be appointed. Why France should aspire to the control of a Chinese Service, seeing that she has virtually no commercial interests in China, can only be explained by the fact that she has always been more insistent and more successful in diplomacy than in trade, and that, as an Englishman stands at the head of the Customs Service, she sees no reason why a Frenchman should not fill a similar situation in the Postal Service. The argument may strike those who are unacquainted with the vagaries of diplomacy in Asia as being singularly absurd; but, since France lent part of the money needed by China to pay Japan her indemnities after 1895, she has long felt that she should be granted a special position in some direction, just as England is in a special position regarding the Chinese customs. Of course, the time has long gone by for this sort of thing, and the sooner that is understood the better.

The Chinese postal question is, therefore, somewhat closely related to the question of the revision of the Commercial Treaties. The closing of all foreign post-offices in China, excepting at one or two points, is essential to the success of the Chinese post-office, which is at present struggling under a great and unfair financial handicap. It might be agreed that the main foreign post-offices at Shanghai, where ninety per cent. of the foreign mails are exchanged, should be kept open for a few years pending the arrangement by China of postal subsidies. But all other foreign post-offices in China should be closed, and China would undoubtedly be willing to give the best *quid pro quo* she could find.

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The imperative importance of speedily attending to these various questions is now well understood in China. Too much time has already been wasted. In August of this year the Anglo-Japanese Alliance already entered its *fourth* year. The decade of its existence is thus being rapidly shortened, without China's reconstruction being properly advanced. On the other hand, Japan is careful to see that everything in the nature of annexions to the treaty-making which concluded her peace of 1905 is relentlessly carried out, and this appears all the more significant when matters which are really in the nature of annexions to the peace of the year 1901 are seen to be left completely stranded and derelict, with no one to mind them.

The United States is the one Power which, because she is free from all entanglements, can at the present moment give all the help that is needed. Here it may be remarked that it has not escaped the notice of those who have devoted themselves to the study of contemporary politics in the Far East, that between what may be called the *theory* of diplomacy, as grandiloquently announced on home platforms, and what may be equally well called the *practice* of diplomacy, as worked out on the actual battle-ground of rival interests, there is a constant and grave discrepancy. Thus, while the late Secretary Hay was undoubtedly the first real mouthpiece of the open-door policy, there is no concealing the fact that the United States Government, until a very short time ago, did not care to test in any way whatsoever the genuineness of the assurances of the various Powers that they adhered strictly and absolutely to that sound policy. In other words, it may be said that, though America has undoubtedly always been perfectly sincere in her motives, her reluctance to go any farther than making formal diplomatic declarations has always been well understood—and has, therefore, always been taken advantage of.

The events of the past year have changed all that. American naval strength has been successfully concentrated on the Pacific, and, though that concentration be only temporary, it is fraught with a meaning which cannot escape general understanding. In some quarters in China, extravagant hopes were doubtless held out at first regarding the number of evils which the mere coming of this fleet would at once remove. Australians, perhaps, also believed too readily that the menace which they have consistently seen in the past was about to be removed. There were even some

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who held the creed that, confronted by this armada, Japan might decide that it was wisest to cease exploiting Southern Manchuria and Korea. But, though there have been these extravagant views, there have also been modest and sensible hopes, the realization of which would injure no one.

These hopes are simply that the United States Government, since it has interested itself particularly with the Chinese problem, may see fit, whilst the fleet is off the coasts of China, to circularize the Powers to the effect that the time has arrived when practical effect should be given to the various self-denying ordinances and protestations of honest intentions, which all have been at pains to make regarding China—in other words, that the work which should have been completed at the time of the making of the Peace Protocol of 1901 be at once resumed. This is the one issue.

To deal with this work properly and exhaustively a congress is necessary; and for such a congress to be a success it is necessary that it should set to work, not in China, but *out* of China, because fair treatment for China is not possible in an atmosphere of international jealousy and striving commercialism, but only to be expected in an atmosphere of altruism. The one place for the meeting of such a congress is America—a country unhampered by considerations which might even have to weigh in England, thanks to the existence of crippling obligations which can only be terminated with the flux of time. That the idea of such a congress would be welcomed by England, as a means towards clarifying a situation which is becoming more and more obscured, cannot be doubted. Since, in spite of the constant declarations of Sir Edward Grey that the Japanese Alliance has effected all that was expected of it, British financial and commercial interests now feel differently. That such a congress could not be with decency opposed by any of the great Powers seems also manifest.

There remains, then, only the question of proposing it at the psychological moment afforded by the presence of the American fleet in Chinese waters. The issues are plain and simple, and have been briefly, if very imperfectly, explained in the preceding pages. China wishes to settle as quickly as possible a number of matters important to her reconstruction, and needed to give to her a modicum of international strength. All the world professes friendship for China; let the world, then, express that friend-

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ship in a concrete form. The *agenda* of the conference would include all matters requiring settlement, and would give an opportunity, such as has never occurred before, for China's case to be publicly and properly heard.

The writer ventures to hope that this all-important matter may engage the serious attention of the Washington administration—the elaboration of details is a matter to be separately considered—and that, as the great fleet draws near the coast of China, the American press will remember that, in the interests of peace, here is a matter which should, and indeed must, be attended to. It is peculiarly appropriate that the United States should step forward in this matter, since Congress, by a singular act of generosity, has remitted the payment of a large part of the American indemnity of 1900. It is also noteworthy that in another matter affecting China's welfare—the suppression of the opium traffic—America has lent her valuable aid by suggesting and obtaining an International Conference. Yet both these actions are very minor actions compared with what has been suggested: for China's rehabilitation can only come with active foreign help; and active foreign help must be given along the lines indicated. It is China's weakness, and her inability to divest herself of that weakness without friendly help, which, in the last analysis, alone contain the menace of war constantly hanging over the Far East; and, therefore, without firing a shot or even clearing decks for action, a naval victory could be won by this great fleet about to circumnagivate the world which may influence more profoundly and more permanently than even a desperate display of sea power the course of history in Eastern Asia.

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THE SPEAKER AND HIS POWERS.

BY HANNIS TAYLOR, LL.D., FORMERLY UNITED STATES MINISTER TO SPAIN.

WHEN in 1775 Benjamin Franklin made the first draft of our first Federal Constitution, embodied in the Articles of Confederation,* he vested the entire legislative power in the one-chamber assembly known as the Continental Congress. Down to that time, the bicameral, or two-chamber, plan had never been applied to the organization of a Federal assembly. The first to propose such an experiment was Pelatiah Webster, who, in his epoch-making paper of February 16th, 1783, said:

"That the Congress shall consist of two chambers, an upper and a lower or senate and commons, with the concurrence of both necessary to every act; and that every State send one or more delegates to each house: this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject and of equal authority in the decision. These two Houses will be governed by the same natural motives and interests—viz., the good of the Commonwealth and the approbation of the people."

In thus departing from the ancient type of a one-chamber Federal assembly, as old as the Greek leagues, the great architect of our existing Constitution had, of course, before his eyes the bicameral, or two-chamber, Parliament of England, which he proposed to reproduce, for the first time, in a Federal State. When the time came for the Constitutional Convention of 1787 to utilize the unique invention of 1783, its debates make it clear that the Speaker of the House of Representatives was expected only to exercise

* "It appears that as early as the 21st of July, 1775, a plan entitled 'Articles of Confederation and *Perpetual* Union of the Colonies' had been sketched by Dr. Franklin, the plan being on that day submitted by him to Congress; and though not copied into their Journals, remaining on their files in his handwriting."—"The Madison Papers." Vol. II., p. 688, Gilpin Ed. 1841.

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the powers vested at that time in the Speaker of the House of Commons. So limited were the powers of the former at the outset that the House Committees of the First Congress were elected by the House itself. During the Second Congress, they were sometimes elected and sometimes appointed. Not until the Fourth Congress did the exclusive power of appointment pass into the Speaker's hands. From that time onward, the growth of his powers represents an evolution whose advance synchronizes with the growth of the business of the House. The growth of legislative business in Congress appears upon the face of the following table, which sets forth by decades the total number of bills introduced into the two Houses from the first Congress up to and including the first session of the Sixtieth:

BILLS INTRODUCED.

Congress.	*House.*	*Senate.*	*Total.*
First	143	46	189
Tenth	173	54	227
Twentieth	462	99	561
Thirtieth	814	485	1,299
Fortieth	1,460	648	2,108
Fiftieth	12,664	4,000	16,664
Fifty-ninth	25,897	8,627	34,524
Sixtieth (First Session)	22,272	7,273	29,545

Upon this basis, it is safe to predict that the total number of bills introduced, and to be introduced, into the Sixtieth Congress will exceed 40,000.*

The enormous increase in the volume of legislation during the last half-century is not confined to our own country,—it is one of the salient features of the age in which we live. In attempting to account for it, in an address recently delivered before the New York Bar Association, Mr. Bryce said:

"Various causes may be assigned for it. It may be due to the swift changes in economic and social conditions which have called forth new laws to deal with those facts. Pessimists may perhaps ascribe it to the spread of new evils or the increase of old evils which the State is always attempting by one expedient after another to repress. I suppose this is what Tacitus meant when he wrote *Corruptissima republica plurimae leges*. Or the optimist may tell us that it is an evidence of that reforming zeal which is resolved to use the power of the State and the law for extirpating ancient faults and trying to make every one happier. Which of these or of other possible explanations is the true one, I will not stop

* This table does not include joint resolutions.

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to consider. But the fact that the output of legislation has of late been incomparably greater than in any previous age—greater not only absolutely, but in proportion to the population of the civilized nations—suggests a consideration of the forms and methods of lawmaking as a topic well suited to be dealt with by a great professional body such as I have the honor of addressing."

As the legislative business of this country has grown in extent and complexity, the pressure upon the primitive machinery of the House of Representatives has increased until at last a crisis has been reached. If so homely a simile is permissible, the growing business of the House may be likened to the growing business in a narrow stream flowing through a timber region in which the timber-cutters increase every year. In such a region, no matter how great the glut, the channel must be kept open, so that a certain number of pieces may be forced down the stream every year. As the House itself has never attempted so to reorganize its machinery in a scientific way as to meet new conditions, the one crude and empirical expedient so far resorted to to keep the channel open has consisted of the arming of the Speaker, from time to time, with Titanic powers. As the glut of legislative timber in the channel has increased, Mr. Speaker has been endowed with first one abnormal power and then another, in order that national legislation may not cease altogether. Recognition for the passage of bills by unanimous consent arose when the pressure of business became so great that they could not be reached on the calendar in the regular order of business. Then, as an expedient to alleviate the ever-growing difficulty, were adopted the Reed rules in the Fifty-first Congress, from which time the steadily increasing powers of the Speaker may be definitely dated. The fact that the Reed rules were substantially re-adopted under Speaker Crisp should be conclusive proof that they were the outcome of conditions that present equal difficulties to the leaders of both parties.

It is idle to attempt to give a partisan tinge to the grave problem with which the country is now confronted. The difficulty in question is an inevitable and unforeseen outcome of our national development. Both parties are equally responsible for the hopeless and unscientific attempt to carry on the vast and complicated affairs of a legislative department store by the primitive methods once adequate to the needs of a small establishment. As the evil has finally become unbearable, it has passed into the arena of

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practical politics. The Democratic platform recently adopted at Denver declares that:

"The House of Representatives was designed by the fathers of the Constitution to be the popular branch of our Government, responsive to the public will.

"The House of Representatives, as controlled in recent years by the Republican party, has ceased to be a deliberative and legislative body, responsive to the will of a majority of its members, but has come under the absolute domination of the Speaker, who has entire control of its deliberations and powers of legislation.

"We have observed with amazement the popular branch of our Federal Government helpless to obtain either the consideration or enactment of measures desired by a majority of its members.

"Legislative government becomes a failure when one member, in the person of the Speaker, is more powerful than the entire body.

"We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's representatives, and not by the Speaker, and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its members to direct its deliberations and control legislation."

After we subtract from the foregoing the mistaken assumption that the present condition of things in the House of Representatives is entirely the result of the omissions or commissions of a single political party, every word of what remains is true in every particular. The House has departed from the design of the fathers; it has ceased to be responsive to the popular will; it is no longer the principal workshop of the Constitution; it is no longer even the principal talking-shop in which great public questions are threshed out in the first instance. As all the world knows, the departed sceptre has passed to the Senate, whose influence has thus become abnormal. As the House has ceased more and more to be a deliberative body, the Senate has become the real forum of debate to which the nation looks for light and guidance. It is now becoming the habit to say, when an important bill is pending in the House, "No matter, the Senate will fix it!" Thus that body has been forced to assume the initiative in certain kinds of legislation of a taxative and fiscal character that was never intended. If proof be needed on that point, reference may be made to the Wilson bill, which was so amended in the Senate as to become a new creation. Or more may be said as to the Bland-Allison bill, which, as introduced by the former, passed

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the House by a majority of more than two-thirds. When it reached the Upper House, the Allison amendment, which passed the Senate by a safe majority, so disembowelled it that Mr. Bland upon its return made a hard fight against it. But, as the House concurred in the Allison amendment, he was forced at last to eat his opponent's leek by voting for the bill as amended. Through this power of amendment, the Senate has been able to assume an initiative in legislation which the congested condition of the House has forced it to relinquish. The normal and constitutional relations of the two Houses have thus been disturbed, and the result is a condition almost revolutionary. The House has suffered in prestige and influence; and the country is suffering because its business is not carried on in the normal way in what was intended to be the principal legislative and taxative workshop of the Constitution.

At the date of the French Revolution the only parliamentary government in the world was the English Parliament. Since that time,—and after the English political model had been popularized by reproduction in the United States,—it has been deliberately copied, more or less exactly, by every country which now has a parliamentary system. In that way, England became "the Mother of Parliaments," the teacher of the science of representative government to all the world. The mainspring of the English Parliament is the Cabinet, which possesses the right to appear in the House of Commons and initiate legislation. When a great question is to be dealt with, the Cabinet presents it in the form of a bill to the popular chamber, and then demands, at such a time as it desires, that the matter shall be first debated and then disposed of by a final vote. Under such a system small matters are forced to wait until the great affairs of the Empire are disposed of. The issues thus presented are as clear and definite as they can possibly be made, and the responsibility for success or failure is put just where it belongs. The Speaker of the House of Commons is just as helpless in the presence of such a machine as a cow which attempts to stop a mogul engine in full career. Neither the English Parliament nor any of its reproductions in which the Cabinet system reappears can possibly suffer from the difficulty which has nearly extinguished our popular chamber as a deliberative body. Why should we suffer from the absence of a practical expedient which has reappeared, in some form, in all of the repro-

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ductions of the English parliamentary system, except our own? Is it possible for us to extricate our popular chamber from the morass by vesting in our Cabinet the right to appear in it, and initiate legislation upon the great questions in which the whole nation is vitally concerned? Those who have given little or no thought to the subject will instantly say "No," and assign as a fatal objection the fact that, when the English Cabinet has been defeated upon a bill or resolution, it must resign and thus bring on a new election. They will then, with perfect truth, add that in a Federal commonwealth with such a vast territorial area, and with an Executive elected for a definite term, resignations and new elections after every adverse vote are entirely out of the question. Fortunately, a conclusive rejoinder is furnished to that objection by the Federal Constitution of Switzerland, under which the Cabinet possesses the right to appear in the chambers and initiate legislation, without the necessity of resignation after an adverse vote on the measures they have introduced.

Under the Swiss system, the executive power is vested, not in a President, but in a Council or Cabinet of seven, which holds office for three years. The Council apportions the departments of state among its own members, and "the members of the Council have the right to speak and make proposals in either House of the Federal legislature, but not to vote." In his famous essay upon presidential government, from which that quotation is taken, Mr. Freeman says: "The Swiss Federal Constitution has several points of likeness with that of America, and the Constitution of the two Houses of the Federal legislature is clearly borrowed from the American model." After an adverse vote has occurred, the Swiss ministers simply return to their offices and go on with their work until the end of their terms. In the light of that precedent, it is too clear for argument that we may adopt so much of the English Cabinet system as we need, and at the same time reject, as Switzerland does, that part of it which is not applicable to a Federal State like our own.

If the expedient proposed be a desirable one, it certainly can be applied without a constitutional amendment. It can easily be brought about by an act of Congress that can be written upon a sheet of note-paper, and by modifications in the rules of the House and Senate that should not fill more than two sheets of legal cap. As each House has the constitutional right to hear the hum-

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blest citizen at its bar and to receive from him, for consideration and action, any petition or proposal he may desire to submit, it certainly can extend the same right to the members of the Cabinet by giving them, at stated times, the right to submit schemes of legislation with the right to debate them, *but without the right to vote*. In that way the members of our executive Government would be able to do, up to a certain point, all that the English ministers can do without becoming in any sense members of the House. By a brief act the members of our Cabinet could be given the right to appear, at stated times, in each chamber and to submit or initiate legislation on the great questions in which the nation is vitally concerned. By a modification of the rules, each House can concede the right of way (the order of the day), so that debate may be had on Cabinet measures at such times as it may designate. Under the new rules, the right of initiation should be limited to the House of Representatives,—there in the popular forum the first battle should be fought out. As Providence works in a mysterious way, the new office-buildings of the two Houses have been completed just in time to help on the inevitable reform. Before the end of the last session, the Hon. Samuel W. McCall, of Massachusetts, secured the passage of a resolution containing a tentative plan that contemplates the removal of the desks from the hall of the House, which should be dedicated exclusively to debate and deliberation, after it has been so reduced in size as to be within the compass of the human voice. How delightful to contemplate the splendid spectacle that such a scene would present! The leaders of the administration would be present in the persons of their best orators ready to defend their bills, while the picked men of the Opposition would be ready to take part in a debate that would be listened to, not only by our own country, but by the world. Suppose, for instance, that President Roosevelt had had the benefit of such machinery when, during the last session, the Anti-Trust Bill and the Publicity Bill, of which he was in favor, were presented to the House. A battle royal would have followed at once, and a final vote would have been had at once. Only by such a readjustment of our parliamentary machinery can the House of Representatives ever be given the place intended for it by the framers of the Constitution. Under the plan proposed, if a bill offered by the Cabinet is defeated in the House, there it should die. If it

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passes the House, then the Cabinet should be heard in its support in the Senate under an order of the day to be there made for that purpose. In that way, and only in that way, can our parliamentary system, now so sadly out of joint, be made to work as harmoniously as the leading European reproductions of the English original. No possible constitutional difficulty stands in the way; any country lawyer should be skilful enough to draft the necessary legislation. It is simply a question of readjusting certain parts of the great Corliss engine, without making any organic changes whatever. In that kind of work the English statesmen are far ahead of us. In his brilliant monograph upon "The English Constitution," Walter Bagehot has said:

> "There are, indeed, practical men who reject the dignified parts of Government. They say, we want only to attain results, to do business: a constitution is a collection of political means for political ends, and if you admit that any part of a constitution does no business, or that a simpler machine would do equally well what it does, you admit that this part of the constitution, however dignified or awful it may be, is nevertheless in truth useless."

The primary purpose of every constitution is to do business, and whenever any part fails to do its work the skilful machinist should be ready to put it back into commission. In making the readjustment, the main body of the machine should be disturbed as little as possible. In engrafting the Cabinet system, in a modified form upon our existing parliamentary procedure, the old committee system should be left in control of all ordinary legislation. All of that kind of legislation should pass through the old channels as it does at present,—only the extraordinary should pass under the control of the new addition. In that way, the abnormal powers of the Speaker and of his creation, the Committee on Rules, would fade into the background, while the new steering committee, the Cabinet, would come to the front as the driving power, whenever driving power is needed.

When Sir James Mackintosh said that "constitutions are not made, they grow," he announced a truth as applicable to our own as to the English. Nothing is more remarkable about our Federal system than its wonderful elasticity, its power of adaptation to new and unforeseen conditions through the action of judicial interpretation and legislation. Only its elasticity has saved it from destruction during the very rapid process in which it has been so expanded as to embrace an empire. The empirics

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who are ever crying out for constitutional amendments, whenever a readjustment only is necessary, are those who do not understand the natural resources of the system. Fortunate it is for us that such amendments are practically impossible. In the present instance, no such need is involved. The evil in question is manifest to every one, and the remedy is at hand. A little practical business skill is all that is necessary to work out the result through a brief act of Congress and a modification of the rules. In its last analysis the whole matter may be thus stated: Every parliamentary system now existing in the world except our own, which has been copied from the English, has reproduced in some form the mainspring, the driving force, of the original, upon which its harmony chiefly depends. That mainspring or driving force is embodied in the right of the Cabinet to appear in the popular chamber, for the purpose of initiating legislation upon the great questions in which the nation is vitally concerned, and then of driving such legislation to a final vote. The lack of that practical business expedient, which everybody except ourselves enjoys, and which the vast and rapidly swelling volume of our legislative business urgently demands, has produced the abnormal, almost revolutionary, condition under which we now groan. The whole difficulty may be removed, without a constitutional amendment, by a brief act of Congress and a modification of existing rules. Why, then, should we permit our hands to be tied by a timid conservatism which English statesmen, who are ever adapting practical means to practical ends, would laugh to scorn. Instead of trifling longer with superficial and impotent expedients, we should make at once a complete and final readjustment of our sadly disordered parliamentary machinery, according to scientific principles which have stood the test of a wide experience. As the question is strictly a non-partisan one, the subject should be taken up at once by the victor in the pending political contest, whoever he may be. If a joint committee of the two Houses could only be constituted for the study of the subject, the outcome would surely be a report that would convince every one.

HANNIS TAYLOR.

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BRONSON HOWARD.

BY BRANDER MATTHEWS, PROFESSOR OF DRAMATIC LITERATURE IN COLUMBIA UNIVERSITY.

THE untimely death of Bronson Howard in the first days of August, before he had attained to the allotted threescore years and ten, terminated a friendship which had begun very shortly after I had been present at the first night of "Saratoga," his earliest successful play, now nearly forty years ago. Only the few whom he had admitted to intimacy could know what his friendship meant to all who were fortunate enough to possess it. But even casual acquaintances must have felt drawn toward him by his cheery simplicity of manner. Perhaps even those who saw him only on occasion, may have noted in him a certain elemental largeness; and they could not fail to find him at once genial and direct, kindly and manly. He was a delightful talker, shrewd and sagacious, and yet easy and wholly without pretence. He did his own thinking; but he never forced his opinions on others. He was the soul of courtesy; and, witty as he was, he never risked the loss of his friend for the sake of his jest. He sought always to maintain the dignity of his calling, and he was held in high regard by all his colleagues of the craft. He was the founder of the American Dramatists Club, following in the footsteps of Beaumarchais, who organized the French Dramatic Authors Society, and of Scribe, who reorganized it; and, under Bronson Howard's leadership, this association succeeded in securing an extension of the legal protection for stage-right in the United States broader than that yet granted by any other nation.

His career as a dramatist was long and honorable. It was also extraordinarily successful; indeed, it would be difficult to name any playwright who had scored so many hits, most of them bull's-eyes, with so few misses. Although he conformed to the

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stage-conventions of his own day, he was original and independent. He made no translations or adaptations, with the single exception of "Wives," a *contaminatio* (as the Latins would term it) of two of Molière's comedies, the "School for Husbands" and the "School for Wives." He collaborated only twice—first, with Sir Charles Young (the author of "Jim the Penman"), and, second, with a younger American man of letters; and in neither case were these plays in partnership as well received by the public as the most of those which he had written alone. Yet he believed heartily in collaboration, holding that, in the arduous work of construction on which a drama must depend, two heads are better than one. And he was an ideal collaborator himself, considerate and suggestive, bringing to the joint-work his rich experience and his quick inventiveness. And only the intimacy of collaboration could reveal completely his abiding sincerity and his desire for truth, combined with his innate feeling for theatrical effectiveness and his intuitive understanding of the actor's art, which every playwright must needs possess if he hopes to see what he has conceived in the silence of the study take on life and movement in the glare of the stage.

He graduated from journalism into play-writing, as Mr. Augustus Thomas and Mr. George Ade have done since. He was the earliest American playwright (not also an actor or a manager) to make his living by writing for the theatre. Before he began his career, an American comedy was something casual, accidental, sporadic; it could be only amateur work. He was the first American professional dramatist giving his whole life to his work. He blazed the trail for the dozen authors who are now seeking to set on the stage the salient characteristics of American life. He was the first American playwright who had a recognized position in Great Britain; he was the scout of that friendly invasion which has resulted recently in the simultaneous occupancy of half a dozen London theatres by American plays.

His earlier plays suffered a sea-change in crossing the Atlantic, and were adapted by British writers to conform to British manners and customs. "Saratoga" was condensed and localized by Frank Marshall, who renamed it "Brighton." "The Banker's Daughter" was transformed by James Alberry, and called "The Old Love and the New." The American author himself modified "Hurricanes" for London audiences and gave it a new title,

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"Truth." In time, the London managers found that the London playgoers were outgrowing the insularity which had insisted on the adapting of exotic plays to British conditions; and therefore "Young Mrs. Winthrop" and "The Henrietta" were presented in England as they had been performed in America.

It was characteristic of Bronson Howard's conscientiousness that he was always most scrupulous in declaring whatever indebtedness he might be under to any predecessor. He printed on the programme of "Moorcroft" an acknowledgement that he had derived the suggestion for the play from a short story by John Hay, although what he had borrowed was so insignificant that Mr. Hay told me he would never have suspected his own share in the work if Bronson Howard had not called attention to it. In like manner, he set forth on the programme of "The Henrietta" the fact that one episode had its origin in a chapter of "Vanity Fair." In a speech before the curtain on the hundredth performance of "The Banker's Daughter," he took occasion publicly to thank the late A. R. Cazauran for helping him to get into its final shape one of the important acts, a service for which the author had already liberally paid.

When he was engaged in the composition of "Peter Stuyvesant," he declared to the friend with whom he was collaborating the principle on which he had always acted. He said that while an author was at work his whole duty was to the play he was composing, and he ought to use in its construction unhesitatingly whatever material it might need. Then, when the play was completed, the artist had a duty as an honest man to look over his work and to decide whether it contained anything that really belonged to any one else, living or dead, native or foreign. If the original owner was alive, his permission must be had; and this must be paid for, if necessary. And, in any event, complete acknowledgment must be made, so that the author might not seem to be decked with borrowed plumes. Here he laid down the law for every dramatist with an acute conscience. Bronson Howard himself was incapable of accepting the custom which obtained in England half a century ago, and which allowed the announcement of "The Ticket-of-Leave Man" as a "new play by Tom Taylor," when this new play was, in fact, only an adaptation of the "Léonard" of Brisebarre and Nus. There is absolutely no foundation for the malevolent in-

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sinuation recently revived that the plot of "Saratoga" had been borrowed from some unidentified French piece. But, of course, Bronson Howard, like every other dramatist, living or dead, used unhesitatingly the situations which are the common property of all who write for the theatre.

Bronson Howard's career as a dramatist covered the transition period of the modern drama when it was changing from the platform-stage to the picture-frame-stage. His immediate predecessor, Dion Boucicault, worked in accordance with the conditions of the platform-stage, with its rhetorical emphasis, its confidential soliloquies to the audience and its frequent changes of scene in the course of an act. "London Assurance," for example, is built absolutely upon the model of the "School for Scandal"; and both comedies, Boucicault's as well as Sheridan's, have to be rearranged to adjust them to the theatre of to-day, with its box-sets and with its curtain close to the footlights. When Bronson Howard began to write for the stage he accepted the convenient traditions of the time, although he followed T. W. Robertson in giving only a single scene to each act. As a result of this utilization of conventions soon to seem outworn, certain of his earlier plays appeared to him late in life incapable of being brought down to date, as they had been composed in accordance with a method now discarded. This disadvantage is possibly only temporary; and, even if these pieces strike us now as a little out of fashion, in time they may come to take on the quaint charm of the old-fashioned.

He moved with his time; and his latest plays, "Aristocracy" for one and "Kate" for another, are in perfect accord with the most modern formula. Yet he did not go as far as some other playwrights of to-day. He knew that the art of the theatre, like every other art, can live only by the conventions which allow it to depart from the mere facts of life; and he was unwilling to relinquish the soliloquy, for instance, which is often not only serviceable but actually necessary. He once said, half jokingly, to his collaborator in "Peter Stuyvesant," that, if he had happened to write a play without a single soliloquy, he would be tempted to insert one, simply to retain the right to employ it when it was required. It may be noted, however, that he did not carry this out, since his last comedy, "Kate," is free from any soliloquy. He followed with unfailing sympathy and with

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unflagging interest the rejuvenation of the drama toward the end of the nineteenth century. He had no liking for Ibsen's attitude toward life, but he had the keenest appreciation of Ibsen's masterly technic.

His first successful piece was "Saratoga," which, although announced by Augustin Daly, the manager who produced it, as "a comedy of contemporaneous manners," was in fact only a farce, wholly unrelated to contemporaneous manners or even to real life. Like all other playwrights, even the greatest (not excluding either Shakspere or Molière), Howard began unambitiously and unpretendingly, desirous of composing the kind of play likely to please the audiences of his own day, the kind of play they were accustomed to relish. "Saratoga" owed its popularity to the brisk ingenuity of its intrigue, to the unflagging vivacity of its adroit situations and to the humorous felicity of its dialogue. Its characters were little more than the traditional figures of farce; and one of its episodes set forth the sending of a series of challenges to a duel,—a convenient theatrical tradition not even then justified by the customs of society. Inexpensive devices of this sort the author eschewed altogether as he grew in experience and as his observation became keener. But "Saratoga," arbitrary as it is in conception, in its characters and in the conduct of its plot, deserved its popularity. Perhaps it might amuse even to-day, if it were presented, not as a comedy of contemporaneous manners, but as a specimen of the farce of our fathers, with the costumes of 1870.

As he gained in technical skill, Howard's ambition developed, and his next play, "Diamonds" (which was also produced at Daly's Theatre), was really a "comedy of contemporaneous manners," although it did not quite answer to its author's hopes. Slowly his insight into social conditions became clearer; and yet even "The Banker's Daughter" has at the core of it, the heroine's marriage with a man she does not love, a self-sacrifice which might be termed almost immoral, and which the author never would have approved a few years later. Perhaps he first attained his larger ambition in "Young Mrs. Winthrop," to satisfy it more completely in "The Henrietta," which remains to-day his finest work, the truest and the deepest. Here, indeed, in contradiction to the generally accepted theory that the novel is constantly in advance of the drama in its investigation into society,

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the dramatist presented a picture of American life and character sharper in outline than any which had then been achieved by any novelist, excepting the author of "Silas Lapham."

Different as these two plays are, "Young Mrs. Winthrop," a delicate comedy of manners and sentiment, and "The Henrietta," a bold and robust social drama, they had a common origin, in the author's observation of the society in which he lived. It was about at this point in his work that he confided to a friend his discovery that every country had one theme on which numberless plays might be written, with a firm assurance that at least the subject itself would be welcome to the playgoers of that nation. "In France," he explained, "this perennial topic is marital infelicity; in England it is caste; and here in the United States it is business." It was business, in one or another of its ramifications, which he chose to put into the centre of these two plays in which he has most completely expressed himself.

This understanding of the importance of business in American life, and this desire of his to show some of its perils to his fellow citizens, may be taken as added evidence of his keen insight into conditions on this side of the Atlantic and of his intense Americanism,—an Americanism which was cosmopolitan in its outlook and radically free from any spread-eagleism. He knew England well and the English also; and he liked them. He had travelled widely, keeping his mind open as he went, so that he understood other peoples with a quicker sympathy than most Americans. But, though he might choose now and again to present international contrasts of character and to set Americans over against foreigners, sometimes even on foreign soil, it is on his own countrymen that he spends his full strength. His plays, all of them, from first to last, are essentially American in theme and in outlook.

It was in their content only that his comedies revealed the country of their birth. In their form, the later of them were in complete accord with the cosmopolitan standard accepted everywhere at the end of the nineteenth century, when the conditions of performance were identical throughout the world. One of the most interesting results of the comparative study of modern literature is the discovery that exactly the same formula—that of the short story, for example—may now be employed by authors of many different languages, each of whom is putting the full

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flavor of his native soil into works composed after a model which has international vogue. Structurally there is a great similarity between the Californian tales of Bret Harte and the Indian narratives of Mr. Rudyard Kipling; and there is the same external likeness between Daudet's sketches of Provençal characters and Mrs. Wilkins-Freeman's studies of New England types. What is true of the short story is true also of the acted drama. "The Henrietta" of Bronson Howard is as vibratingly American in its color as the "Robe Rouge" of M. Brieux is unmistakably French in flavor and as the "Heimat" of Herr Sudermann is emphatically German in tone; but in their form, in their structure, in their method of presenting their several stories, these plays are all closely alike. And it was Bronson Howard who, first of all American playwrights, attained to the compact simplicity and the straightforward directness which this new cosmopolitan formula demands.

Artists often do their best more or less unconscious of their processes, working by native instinct, and incapable of formulating the principles they have obeyed. But there are a few of them, more intelligent it may be and more inquisitive, who are able to deduce from their own practice a body of doctrine for future guidance. This is what Bronson Howard did. He had worked out for himself the principles of the little understood art of dramaturgy. He had as clear insight into the inexorable limitations which govern the presentation of a play on the stage before a succession of audiences as Sarcey had, or the younger Dumas. What he did by intuition, he could justify by precept. He had thought his art through and through in all its manifold intricacies; and as a result he had penetrated to its comparatively few essential laws. He went behind the rough-and-ready rule-of-thumb dogmas of the practical stage-manager to lay firm hold on the permanent principles which underlie them all. One of these stage sayings is the dictum that you must never keep a secret from the audience and never put the spectators on a false scent; and the reasons for this are self-evident. This rule is broken in "Young Mrs. Winthrop" where the author keeps secret the real motives of the husband's repeated visits to the woman of whom the wife is jealous, and where the author allows the spectators to put themselves on a false scent. Here Bronson Howard violated a stage tradition; he transgressed the minor rule to abide

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by a major law,—to retain the sympathy of the audience for the heroine when she left her husband's home, a sympathy which she would have lost if the spectators had themselves been aware that the husband's conduct was blameless.

Bronson Howard recognized fully that the drama is not wholly contained within the bounds of literature. Like every other true dramatist, past and present, he wanted his work to be judged in the theatre for which it was written rather than in the library. He would have cordially echoed Molière's declaration that "everybody knows that comedies are written only that they may be acted." He was almost as averse to the printing of his plays as Shakspere was. His latest comedy, "Kate," was published only because it was not likely to be acted immediately, as it called for a cast of competent actors not easily attainable now that the star system has been reduced to the absurd.

In his conversation he liked to dwell on the resemblance between the art of the dramatist and the art of the architect, since the first duty in both is to consider the planning. Solidity of construction is as important to a play as it is to a house. And he held also that true literary merit was to be sought in integrity of workmanship and in veracity of character-drawing. He maintained that literature in the drama should not be external, as so many merely literary critics unfamiliar with the theatre seem to think, but internal. It is not a matter of rhetoric applied on the outside, but a question of sincerity of purpose and honesty of presentation within the play itself. He never descended to decorate his dialogue with pretty speeches, existing only for their own sake. He never enamelled the talk of his characters with detachable witticisms, clever sayings, extracted from the note-book and as effective in one play as in another. His humorous touches were always the expression of character and situation. He had been greatly pleased with Mr. William Archer's keen remark that the good things in the dialogue of one of his comedies had bloomed there naturally, "like blossoms on a laburnum," and were not stuck on arbitrarily "like candles on a Christmas-tree."

His characters say what they ought to say, and in so doing they reveal themselves; but if he refrained from decking his dialogue with flowers of speech, it was not because he had no poetry in him, no invention, no imagination. Invention he had in abundance, and also not a little of the larger informing and inter-

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preting imagination. There is pure poetry, for instance, but in action rather than in words, in the funeral scene of "Shenandoah," where the soldier father, all unknowing, walks reverently behind the body of his erring son, who has been redeemed by a heroic death,—a picture of unspoken pathos which must linger in the memories of all who ever beheld the play.

In dealing with American life in the drama, poetically and realistically, Bronson Howard was a pioneer; and every one who seeks to evaluate his work must keep in mind constantly the fact that it was done in a transition period. During his life, he saw the conditions of the theatre in this country change with a swiftness he could not dare to hope for when he began to write for the stage; and no one was more influential than he in bringing about this transformation. Forty years ago, the American theatre was in a condition of colonial dependence upon the British theatre, although that was a period of blank emptiness in the British drama. While the novel was flourishing in England, and while Thackeray and Dickens and George Eliot were adorning prose-fiction, literature and the drama had been divorced. The stage was filled with adaptations from the French, and all the playwrights of the English language were compelled to an unfair competition with the vendors of stolen goods. Charles Reade declared that he was really a dramatist who was forced to be a novelist by bad laws.

The English-speaking stage was then a hotbed of unhealthy unreality, since it was occupied by foreign plays, the plots of which had been violently wrenched into an external conformity with British propriety. Sardou's essentially Gallic "*Pattes de Mouches*" and "*Nos Intimes*" and "*Dora*," each of them in turn was made over into British plays tainted with incurable falsity to the facts of life. Nowadays a French drama, "The Thief," for example, is translated only and it remains French in character; but forty years ago, or even thirty, it would have been transmogrified into a bastard British drama.

And these perversions of French pieces were then the staple of the American stage. The case would have been sad enough if our theatres had been given over solely to reproductions of British society, so different from our own in its ideals; but it was infinitely worse when our stage was filled with nondescript pieces which misrepresented British society. The American managers

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were not to blame for this, since there were then no American playwrights; and they were excusable if they insisted on the London hall-mark. Augustin Daly first, and secondly A. M. Palmer, began to import the Parisian successes direct, presenting them frankly in translation; and they sought diligently for original American plays. This policy was as wise as it was immediately profitable.

But it left Lester Wallack sadly at sea, accustomed as he had been to follow blindly in the footsteps of our British cousins; and Wallack's had been for years the leading theatre of the leading American city. I recall Wallack's plaintive tone when he said to me thirty years ago, "I used to get along very well, with the latest London success and a new play now and then by Dion or by John"—Boucicault and Brougham—"and an old comedy or two. But now I really don't know what they want!" The British tradition seemed so natural to Lester Wallack, so inevitable, that when Bronson Howard, in his 'prentice days, took him a piece called "Drum-Taps"—which was to supply more than one comedy scene to the later "Shenandoah"—the New York manager did not dare to risk a play on so American a theme as the Civil War. He returned it to the young author saying, "Couldn't you make it the Crimea?" But even the hunger to have a first play performed did not tempt Bronson Howard to deprive his work of all its significance.

Other managers there were who had more courage; and in time Bronson Howard got his chance and proved himself, and opened the way for the younger men who have come after him. Whether his plays will long survive him, time alone can tell. Perhaps "The Henrietta," with its virility, its hearty humor and its ingenuity of stagecraft, will last longest. Perhaps his only one-act comedy, the delicate and delightful "Old Love-Letters," will prove more tempting to the next generation. Perhaps the managers of the New Theatre, which is to eschew the star system, will see their way clear to produce his last comedy, "Kate"; and it may be that this, when we see it on the stage, will turn out to be his masterpiece. But, whatever the fate of his plays in the future, the place that Bronson Howard will hold in the history of the American drama is secure; and secure also is his place in the memory of all who had the good fortune to possess his friendship.

BRANDER MATTHEWS.

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THE CAMPAIGN AND THE SHERMAN LAW.

THE JURY CLAUSE OF THE CONSTITUTION.

BY EDWARD L. ANDREWS.

For the first time in our history, the issues of a national election pivot upon a particular statute. The measure of beneficial freedom to be accorded to business combinations, and the action of the Courts in reference to their transactions, centre around a single Act of Congress. This is the logical outcome of the anomalous conditions which the Anti-Trust law has created. That it introduced a novel economic policy into the practical affairs of the Federal Government is too evident for question. But it has not been made so apparent that, in the effort for the rigorous enforcement of that policy, provisions for punishments and remedies are accumulated in the statute without regard to the spirit of the Constitution, and in some likelihood contrary to its letter fairly interpreted. It is, therefore, a matter of immediate utility to analyze the structure of this famous enactment.

So much has transpired in the last few years concerning the injunction feature of the Sherman law that we have lost sight of its main characteristic. It is essentially a criminal statute. Its basic provisions are those which denounce acts in restraint of trade as crimes, and provide for their punishment as misdemeanors by fine or imprisonment. Several sections which follow these provisions are auxiliary to the criminal fabric of the law. This is especially the case with the section of the Act relating to injunctions—which purports to invest the United States Courts "with jurisdiction to prevent and restrain violations of this Act." As the sole violations of the Act are of the criminal character described, the effect of these provisions is to initiate in Federal jurisprudence a system of injunctions against the commission of crimes.

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The legislation being of this "octopus" character, let us test it by the restrictions which the Constitution has thrown around the powers of the Federal Courts over criminal acts. By the Judiciary Article it is declared as follows: *"The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the crimes shall have been committed."*

To what extent does this provision of the organic law limit the power of Congress? Is the constitutional institute confined to one form of trial of crimes—that known as trials before common-law courts? Can the identical acts be subjected to another form of forensic test—in a court of equity—without examination by a jury? The solution of this question depends upon the true scope and meaning of this primary provision of our Federal jurisprudence.

We have been recently told by the Supreme Court that this clause of the Constitution must be construed in the light of the law as it existed at the time we became a Federal nation—that it secured to us such jury rights as British subjects then possessed. In the historical conditions which existed during the ante-revolutionary period, we must seek the nature and proportions of this popular prerogative. It was evidently a right which had been the subject of attacks, and the memory of those attacks was still so fresh in the minds of the members of the Convention that they secured its protection in the forefront of the Federal charter. The withdrawal of proceedings from the cognizance of the courts of common law to other tribunals—consisting of one or more judges, without juries—had been a favorite trespass of the Stuart kings. This heresy assumed a variety of shapes—scrutiny before Chancellors, High Commissioners and Star Chambers. Their policy was also evidenced in the conferment of judicial power upon the colonial Governors, constituting them courts of equity so-called, and drawing to them and their Councils a variety of matters, both criminal and civil. The result, both in England and in this country, was to create an antagonism to all forms of trial, particularly of crimes, which did not include the verdict of twelve peers. This justifiable spirit is indicated in the Declaration of Independence. As the Articles of Confederation did not confer municipal jurisdiction, the evidences of this feeling will be found in the early State Constitutions, adopted during the

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struggle with the Mother Country. In 1789, this spirit of opposition to one-man power on the Bench was reflected in the Constitutional Convention; it was intensified by the conflicts of opinion which preceded the foundation of the new Government, then regarded as a quasi-foreign authority. As the Hamiltonian influence waned at Philadelphia, the Judiciary Article was moulded according to this popular conception, and the result is apparent in the broad and comprehensive phraseology of this Jury Clause of the Constitution.

Certain judicial power was thus conferred on the novel General Government, but it was subjected to this distinct limitation—that under no pretence, nor through any transformation, should the trial of any or all crimes be had without a jury. In the first draft before the Convention the expression employed was "criminal offences," but the Committee of Style substituted the word "crimes," deeming it synonymous with the former words; though in popular acceptation the first phraseology might be esteemed more inclusive. However, it is apparent from other provisions that the verbiage includes misdemeanors as well as felonies, whether punishable by fine alone or by imprisonment.

The paucity of material extant concerning the debates in the Federal Convention deprives us of the benefit of some light on this subject, but this loss is somewhat repaired by the fuller reports of the proceedings in the several State Conventions, whereby the Constitution was finally ratified. The general conception of this subject was expressed by Mr. Dawes in the Massachusetts Convention: "The word 'Court' does not exclude, either by a popular or technical construction, the use of a jury to try the facts." In these thirteen constituent bodies there was much opposition to the Jury Clause, as it was framed, on the ground that it did not extend far enough, that juries should also be made indispensable in Federal civil trials. The answer to this proposition made by James Wilson in the Pennsylvania Convention seems conclusive. That profound jurist said: "There is a want of motive or power in the Government to oppress where suits are between individuals. . . . *But, whenever the Government can be a party against a citizen,* the trial by jury is guarded and secured in the Constitution itself." The essential idea involved in the Jury Clause is expressed in those few words—when the struggle is between the National Government and a citizen, a jury must

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participate in the arbitrament. The multiplied provisions of the Sherman Act cannot be reconciled with this language of a leading framer of the Constitution. Of course, in proceedings that are criminal in form, the Government is arrayed against the defendant. Could the General Government declare that certain acts should constitute crimes, and then through any form of procedure—called in equity or otherwise—try a citizen for having committed those very acts, without the aid of a jury? The test is found in Wilson's presentation—if the Government is the actor, a jury is necessary. By these proceedings for injunctions against acts made criminal by this statute the Government violates the letter as well as the spirit of Wilson's interpretation of the Constitution—it is a party both in form and substance against a citizen, and in these conditions the Sherman Act seeks to evade the constitutional requirement of a jury.

The verbiage of the Jury Clause is not contained in a technical document, but in an instrument of government—the powers of which it enumerates but does not define. Following this formal canon of constitutional construction, as enunciated by Marshall, does not the language employed correspond to the historical surroundings and the inclusive purpose of the authors? "The trial of *all* crimes shall be by jury" indicates that legislative enactment cannot subject any criminal acts whatsoever to scrutiny by any other form of proceedings. Moreover, it is not the trial *for* all crimes, but *of* all crimes—apparently pointing to the testing of the commission of crimes through any procedure, rather than the punitive effect of such a trial. The sole exception, in favor of impeachments, strengthens this view—as it indicates that no other modes or methods of trying issues involving crimes are permissible outside the constitutional protective provisions. The breadth of language employed, therefore, reflects the great political object aimed at—to prevent judicial procedure against any individual by the United States in any cause where the gravamen is criminal, unless a jury be empanelled.

The nature of the judgment in equity under the statute does not detract from, but adds to, its substantial antagonism to the constitutional safeguards. A decree against the continuance of a business assailed *as a violation of this criminal enactment* is practically as far-reaching as a judgment in *quo warranto*. It is a real forfeiture, effected without a jury. Under the criminal

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clauses of the Sherman law, the maximum result may be a fine of five thousand dollars, but under this quasi-criminal proceeding, called "a bill in equity," the user of millions of property may be forfeited. Therefore, from the point of view of its punitive character, more severe results can be accomplished under the guise of a bill in equity than by an ostensible criminal form of punishment provided in the misdemeanor clauses of the Act.

The decisions of the Supreme Court upon this class of Constitutional provisions dictate their untechnical and liberal construction. Proceedings by the United States for forfeiture of property, though made civil in form, have been pronounced criminal in their nature. Under these pronouncements, no testimony can be forced from a defendant where the result would involve a forfeiture in any form. By parity, must a proceeding civil in form, but involving the same issue as a criminal proceeding, be regarded as substantially the latter—for the preservation of the right of jury trial. In the Debs case, the Supreme Court was careful not to justify the injunction under the Sherman law, but did so directly under the constitutional powers of Congress in reference to mails and interstate commerce.

But it may be pertinently asked: Why has not the Supreme Court applied the Jury Clause, and refused to enforce the injunction section of the Sherman Act, in the Northern Securities case? The reply to this query is found in the record of that case, as well as in other leading causes—the double decisions of the Legal Tender and the Income Tax precedents. It consists in the abstinence from this proposition in the arguments made at Washington. It was indeed claimed that a Federal court of equity has not the power to grant injunctions against the commission of crimes—because such jurisdiction had not been inherited from the English courts of equity. This position was overruled by the Court on the ground that, where acts complained of affected property, and were continuing in nature—analogous to combinations in restraint of trade—Chancellors had enjoined them and could enjoin them.

But this is a different proposition from the one now under discussion; in some respects the present one is the converse of the point decided. The pending inquiry involves the ascertainment of the conditions created by our Constitution in reference to the application of the jury system to the national courts. Was

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it not the intention to enhance and magnify that element, and thereby to restrain the powers which it was apprehended that the Federal Judges would exert, as shown by the contemporaneous debates?

Notwithstanding the absence of argument upon this constitutional question, a peculiar incident occurred in this connection in the Northern Securities case. One of the concurring Judges referred in a cursory way to the subject, saying: "But this is not a criminal prosecution." Should this remark, indisputable as matter of fact, be deemed an opinion limiting the scope of this constitutional provision, as if it were entertained after hearing argument? The history of the Dartmouth College case is fruitful of suggestion on this topic. Students of the subject are familiar with the fact that the constitutional ground on which that decision rests was invoked at the last moment as a forlorn hope. But we know that the Court estimated the proposition differently.

It will be noted that no question of the legal power of Congress to pass an anti-trust law is involved. But in the effort to make such a law omnipotent, it cannot run counter to provisions of the Constitution other than the interstate commerce clause. It might have simply provided for injunctions against persons or corporations combining to restrain such commerce. Or it might elect solely to constitute such acts into crimes. But it could not, within its juridical limitations, do both. No Federal crimes exist except treason, unless specially called into existence by Congress. Under such conditions, it would have required a bold legislator to present to the First Congress, or many of its successors, a Bill proposing to make criminal a commercial combination, and by one of its subdivisions to provide for action solely by a Judge to restrain a defendant from conducting his business on the ground that it was made criminal by the statute. The question of its criminality is the gist of the matter—which the founders have declared to be the province of laymen acting as a jury. Yet this anti-trust law purports to enable the judges to pass upon this matter of fact as the basis of injunctions.

The phase of this question which bears on the power of the Federal courts to commit for contempt is likewise worthy of discussion. Is not the "judicial power at law and in equity" to be construed in connection with the succeeding clause—requiring a jury for "the trial of all crimes"? Was not the exercise of

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arbitrary power by the King's judges, sitting in equity, the main evil aimed at by the Jury Clause? In respect to the form of judgment, by imprisonment, the contempt power is more analogous to incidents of a trial of crime than the restraint of combination—which was not a criminal act at common law. To say that power to commit for contempt is inherent in the judicial power may be true, but it does not touch this question—which involves the mode of trying the offence of contempt, as indicated by the Constitution. The jury is as much a part of this judicial power as the Judge.

In its bearing upon the campaign for the control of the executive power of the nation, this crucial legislation may be considered in reference to the importance of its amendment. Whatever differences of opinion may exist concerning the exact legal scope of the Jury Clause, there can be little difference about the desirability of amending the Sherman Act to conform to the spirit of the Constitution. Our revolutionaries clearly disfavored determinations upon the issue whether a criminal act had been committed, without oral testimony, away from the vicinage, and by a single Judge. As all those incidents pertain to Chancery proceedings, they were repugnant to the spirit which pervaded the Anglo-Americans of 1789. This mental condition is illustrated by the parsimony with which some States dribbled equity powers by specific statutes alone. The fact that proceedings by affidavit or other written testimony, placed before a Chancellor, are of readier availability than oral testimony for injunctive purposes rather increased the original and historical antagonism to this course of procedure. Even if we deem these objections to dispensing with the Jury Clause a mere moral reflex of the Constitution, they should be respected.

What course of amendment to the Sherman Law on this line of thought should prevail? Which should be repealed, the criminal clauses or the injunction clause? The choice should be promptly made by Congress: as the conjunction of both may lead to a judicial re-examination, resulting in the annulment of the injunction clause, and leaving the ineffectual criminal provisions "standing solitary and alone."

EDWARD L. ANDREWS.

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THE FIRST FILIPINO ASSEMBLY AND ITS WORK.

BY CHARLES SUMNER LOBINGIER, JUDGE OF THE COURT OF FIRST INSTANCE, MANILA.

ON October 16th last, the United States Philippine Commission, pioneer legislative body of the Archipelago, became the Upper House of the new Philippine Legislature, sharing its powers with an elective Assembly of eighty members, the first to be instituted among a Malay people. The outcome of this novel experiment has been awaited with interest by students of political science and history throughout the world, and many theories and prognostications have been advanced. We are now for the first time in a position to say, not what the Assembly may or will do, but what it actually has done. On June 19th, after holding inaugural, regular and special sessions, it finally adjourned and its record is open to inspection.

The Volume of Legislation.—During the interval of eight months between the opening and closing of the Assembly, seventy-five new acts were passed. Of these, two were enacted by the Commission alone, exercising the exclusive prerogative, which it still retains, of legislating for the non-Christian provinces. A number of others are such as would be classed by a State Legislature as private or special acts, as they relate to particular localities, or, as is true of three, to particular corporations. Compared with a body like the American Congress, which, during a similar period, considers or enacts thousands of laws, the number passed by the Assembly seems exceedingly small. But to judge its work by such a standard would be unfair. In the first place, the field of legislation had already been quite well covered, for the Philippines are anything but a new country in this regard. The Philippine Commission, for the seven years preceding, had been legis-

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lating almost continually, and the number of its enactments alone amounted to 1,800—more, probably, than those of most of our newer States. Back of this lay a very considerable body of legislation by the Spaniards, three of whose Codes—Penal, Civil and Commercial—together with much more, have been retained. It was natural that the Assembly should find less occasion for new laws than its members might have anticipated. In the second place, legislation was a new experience for the Filipinos. Practically nothing of the kind had been attempted by them previously, and in consequence much time had to be devoted to organization, learning methods of procedure and the mechanics of legislation. More than two-thirds of the acts were passed during the last month of the session.

Educational Measures.—Of the seventy-three laws approved by the Assembly no less than nine—or one-eighth of the whole, and a much larger proportion of those of general interest—relate to popular education. The very first act was one appropriating $500,000 for the construction of schoolhouses in the *barrios* (rural districts). This was followed by acts appropriating $37,500 for the salaries of teachers in such schools, $25,000 for training, at the Insular Schools of Manila, teachers to be selected from different municipalities throughout the Archipelago, and the general appropriation bill which allowed $1,650,000 for the Bureau of Education and its teaching staff during the ensuing year, and $72,500 for the Government Medical School. Besides this, there were acts authorizing the Governor-General, "in his discretion," to convey public lands, with the buildings thereon, to provinces and municipalities for public school purposes, providing for "popular civico-educational lectures" in the *barrios,* under the supervision of the Director of Education and more directly in charge of municipal teachers, and establishing a Philippine Public Library with provision for the collection and preservation of historical documents. To crown this branch of its work, the Assembly passed, practically without amendment, a bill, introduced by the Secretary of Public Instruction in the Commission and approved by that body, providing for the foundation of a "University of the Philippines." This measure, modelled on the charters of our State Universities, may well be regarded as the most important work of the first Philippine Legislature. It ought to mark a new era in American educational effort in the Far East, and ultimately

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make Manila a centre of university influence for the spread of higher learning and Anglo-Saxon culture throughout Asia. Just as in our State Universities, the observance of "Charter-Day" or "Founders'-Day" is a yearly event, so in future years we may expect the "University of the Philippines" to commemorate June 18th, 1908, as marking the advent of the American public university in the Orient.

Those who have sought, from one motive or another, to delude the American people into the belief that their educational mission in the Archipelago was a failure, and that it was not appreciated or responded to by the Filipinos, will find little comfort in this record of loyal support by the representatives of that people. Of the ten acts above mentioned (including the appropriation bill), all but three originated in the Assembly (being changed by the Commission only in phraseology and form), and those three were passed without opposition. How well does this fact confirm the estimate made by the Philippine Commission, as a result of one of its tours, nearly ten years ago. Their report contained the following statement: "The Commission takes pleasure in recording the fact that it was everywhere and at all times assured, both by friendly Filipinos and by insurgent representatives, that the people of the Islands would cheerfully bear almost any burden of taxation having for its object the provision of funds for a good public-school system."*

Other Legislation.—These acts relating to education form by far the largest class of those passed. Indeed, the number of important laws outside of these was not large. One provides for promoting and maintaining irrigation systems, appropriating $375,000 therefor, and another is the new employers' liability law. The latter is framed along somewhat the same lines as those which characterize the recent acts of Congress and of certain State Legislatures, but it appears to be more moderate, the limit of recovery, even in case of death, being fixed at $1,250. The "fellow-servant's" rule at which recent American legislation has been directed was never in vogue in the Philippines.

The attitude of the American press and public in the Islands toward the Assembly has been one of almost uniformly friendly interest and encouragement. Criticisms of certain of its acts have not been wanting, but they have come chiefly from Filipino

* Rep. Phil. Com. (1900), pp. 41, 42.

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sources and have proceeded upon party lines. These criticisms have mainly concerned (1) the unseating of two members who, it was claimed, had been lawfully elected and were entitled to their seats; (2) the passage of an act raising the salaries of members to fifteen dollars a day; and (3) the appropriation of $17,000 to defray the expenses of a delegate to the International Navigation Conference at St. Petersburg. The first was the cause of much bitter strife, both in and out of the Assembly. Regarding the last two measures, it was urged that they were inconsistent with the ante-election demands of economy, especially in view of the fact that the Conference last mentioned was already in session and would be closed before the delegate could reach St. Petersburg. The attitude of the Commission as to these matters was one of non-interference. Its position, apparently, was that, as the revenues were raised in the Philippines, the members of the Assembly should be held responsible to their constituents, and not to the Commission, for appropriations originating in the Lower House.

Some Results.—Those who expected the first Filipino Assembly to be a radical, if not revolutionary, body, devoting its time and efforts to plots and protests against the constituted authorities, have been disappointed. Not only have its members co-operated amicably with those authorities, but their course throughout has shown a genuine appreciation of American achievements in the Philippines and a desire to continue the work so well begun. The first official act of the Assembly, after its organization, was the passage of a joint resolution reciting that:

> "The people of the Philippine Islands fully recognize in the action taken by the Government of the United States in creating the said Assembly a proof of its confidence in said people, as well as a continuation of the democratic traditions of the United States;"

and conveying

> "to the President of the United States, and through him to the Congress and the people of the United States, their profound sentiments of gratitude and high appreciation of the signal concession made to the people of the Islands of participating directly in the making of the laws which shall govern them."

But the best expression of this sentiment, after all, is to be found in the character of the work done as well as of that left undone. Few measures were introduced into the Assembly, and

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fewer still considered, whose effect would have been to overturn any important feature of the settled American policy. Even measures like the Internal Revenue Law, which met decided opposition at the time of their passage, were left untouched by the Assembly. There could scarcely be a higher tribute to the work and wisdom of those patriotic men who, in the opening years of the present century, first planted American institutions in the Orient, or a clearer demonstration that, in their efforts toward the uplift of the Philippines, the American people have been writing one of the most creditable chapters in their history.

CHARLES SUMNER LOBINGIER.

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EARLY INVESTIGATIONS IN SPIRITUALISM.

BY JOHN TOWNSEND TROWBRIDGE.

It is now more than fifty years since I first became familiar with the phenomena of so-called spirit communication. If my early investigations are worth recalling, it is because of the interest that attaches particularly to the beginnings of great movements, and because few persons now living can relate experiences extending so far back, with these amazing manifestations of a power that remains no less mysterious and no less real, after having been so often explained away.

Mrs. Hayden and the Raps.—Early in the year 1852, Dr. William R. Hayden, publisher of a weekly newspaper in Boston, asked me one day in his office if I had ever heard the "Rochester Knockings." He went on to say: "I've got them, or something of the kind, in my house, and I don't know what to make of them." The "Rochester Knockings," as they and kindred phenomena were termed at the time, having first manifested themselves in Rochester three or four years before, had afterwards broken out in many places, and become a subject of wonder or ridicule all over the country. I had hitherto regarded them with sceptical indifference, but what Dr. Hayden had to say of them roused my curiosity, and I eagerly accepted an invitation to hear them that evening at his house.

The séance had commenced when I arrived. The doctor placed a chair for me at a table around which were seated three or four other persons, all strangers to me, except Hayden's partner in the newspaper business, Mr. Peabody. Mrs. Hayden was the medium; I then saw her for the first time. I observed her carefully during the evening, and never for a moment doubted her sincerity of character and honesty of purpose; an impression which some years of subsequent acquaintance with her tended to

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confirm. She was not especially cultured, but a woman of good sense, pleasant manners and an amiable disposition.

When silence, interrupted by my entrance, had been restored, we all listened, and soon heard a series of rapid but faint concussions, which seemed to be neither on nor under the table, but in the leaf itself, somewhere between the medium and the shaded lamp before her. Mr. Peabody, who was getting a message from his "gran'sir'," passed a pencil up and down a printed alphabet that lay on the table, and paused when a decisive rap was heard. Thus words, sentences and finally a long communication were spelled out. It was something quite commonplace, such a message as any other grandfather might have given any other person present; but what astonished me was that any message at all should be given in that way. The medium's hands were in sight all the time, usually folded on the edge of the table, and she seemed to await the result of the word-building with as genuine an interest as any of us. At times, a mistake would occur, which would not be discovered until it was found that the sentence did not make sense. Then the pencil would go back over it until a rap would indicate the word that was out of place or misspelled. Other messages were given, and a few names spelled out, which some present declared to be the names of departed friends, unknown to the medium, but I received nothing more definite than "Father," hard as I tried to get some initial. The séance over, Mrs. Hayden welcomed my most searching questions as to what she knew of the raps and how they were produced, and I was convinced of her candor when she looked earnestly into my eyes and said: "I know no more about them than you do." I went away puzzled and astonished, but by no means satisfied that departed spirits had anything to do with them.

This séance was fairly representative of the early, crude manifestations which were then awakening an interest in Boston, and which I witnessed on frequent occasions in Mrs. Hayden's presence. Many surprising "tests" were received by others when I was in the circle, of which a single example will suffice. Once the word "Squeak" was spelled out for a young man, a stranger to the Haydens, and to all of us except a friend who had introduced him. He appeared much agitated, the communication purporting to come from his mother.

"When I was about nine years old," he afterwards explained,

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"I had a new pair of shoes, and was so proud of making them squeak as I walked about the house that she gave me that nick-name and often called me by it. But it hasn't been in my mind, I haven't thought of it, for years."

I got some tests for myself, but nothing very well worth recording, until one memorable occasion when I had the good fortune to find Mrs. Hayden alone. She was reading an evening paper, which she laid aside as I entered. The raps came on the table almost as soon as I was seated; and in a little while she said, "They want to communicate with you." I replied, "If I can get a message without taking up your time, it will give me great satisfaction. Keep on reading your 'Transcript' and let me see if anything will come."

She assented and sat with her shoulder towards the lamp, in order to get the light on her paper, while I placed myself on the opposite side of the table. Not only was her face turned away from me, but the lamp was between us, and she could not by any possibility have seen the letters at which my pencil pointed.

One of the first words rapped out was "Father." That was not surprising; it had been spelled out for me several times before, and it was in my mind at the time. My father was to me the nearest and dearest intelligence in the life beyond this, if there was any life beyond this, or any such intelligence. I said: "If you are really my father, you should be able to give me your name," which was immediately followed by a lively dance of raps on the table. I carried the pencil down the alphabet, and there came a response at *W*, the right initial (the name being Windsor). I had a notion that anything that came might be a reflection from the mind of some one present; and it was just possible that an unconscious movement of my own hand had influenced the rap. But the letter I next expected, which should have been *i*, was passed over, and no knock came until I arrived at *s*. I could make nothing of that; and the next letter given, *t*, was still more mystifying. "*Wst*" could start no orthographical combination of letters. "Is that right?" I asked; and a brief patter of affirmative raps responded. The next letter was *o*, and I had the enigmatical beginning "*Wsto*," which could certainly lead to no intelligible conclusion. Then an *n* was added to my riddle; and, Mrs. Hayden happening to look up, I asked her if she could make anything of it.

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"Are the letters all right?" she asked. Decided raps—"yes." "Does he read them aright?" In response, an *e* was added, and I had "*Wstone.*" The right reading flashed upon me; and when I rewrote them, "W. Stone," the glee manifested by the little concussions in the board was something affectingly human. "Stone" was my father's middle name, which I had not had in my mind at all, while W. was his first initial. This was all I could then get of the name, which was not given in full until a later sitting.

I was quite overcome by this evidence of an operating intelligence separate from my own mind or the medium's, and possibly of my father's actual presence. I remember well the effect produced upon me, indescribable in any terms, as I sat gazing at what I had written from the mysterious dictation, and trying to grasp its bewildering significance.

Mrs. Hayden resumed her "Transcript" and I the use of the alphabet and pencil, asking, from that time on, mental questions only, and receiving answers as direct and relevant as if I had asked aloud. Some of these came in a way as unexpected and surprising as that in which the name had been given; but as they related chiefly to my father's last illness, they cannot suitably be detailed here. Things I had forgotten, until thus reminded, came first, and matters which I thought should come first came afterwards; but all were correctly given, although one part of the message was wholly unintelligible, until a mistake in writing it down was discovered, as in the case of the first and second names, thus affording additional proof of the action of a mind independent of my own. That the medium's volition, or cognizance of results, had nothing to do with all this was absolutely certain; only her presence was necessary for the production of the raps. Who and what, then, was the invisible collocutor in this astounding telepathic dialogue? Where the other station, and what the nature of the instrument, that by such simple but inscrutable means transmitted messages charged with the purport of things known only to the dead, if the dead were not still alive?

I received through Mrs. Hayden's mediumship various communications after this, generally satisfactory when conditions were favorable, and all, even when trivial or baffling, as they sometimes were, tending to confirm my conviction that they came from some source beyond her consciousness or my own. Granting that the

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intelligence shown might have had a subconscious origin in either of us, the raps by which it was interpreted remained still to be explained. That they could not be accounted for on any "toe-joint" theory, I had startling proof on one occasion when I had walked home with the doctor in the afternoon, and only he and his wife were present with me at the table. It was a heavy centre table. The doctor and I were on opposite sides of it, the medium at my right hand. I have quite forgotten what had been going on, when the raps became so unusually loud that the doctor said, jokingly, "Can't you knock any louder than that?" Instantly there came so tremendous a blow in the massive mahogany that I cried out, excitedly, "Hayden, you kicked it!" "Did I?" he said, at the same time moving his chair back two or three feet towards the wall. Immediately another resounding blow followed, and the table, as if impelled by it, rolled towards him on its casters and tilted over upon him, the leaf resting on his knees. "Who kicked it that time?" he retorted, while Mrs. Hayden also moved her seat back, as if to get out of the way of such antics. I followed their example, so that the table had a wide space for its uncanny performances. After resting on his knees for a few seconds, it righted itself (his hands were held up in full view over it), glided back across the floor, gently at the start, then with increasing momentum, and tipped over again lightly as a feather, this time on my knees. Both the doctor and Mrs. Hayden were several feet away from it, and I remained passive, holding up my hands until it once more righted itself and rolled to its original position in the centre of the room. All this was in broad daylight. The performance concluded with several loud raps.

"Did I kick it?" chuckled the doctor in his corner, and I was obliged to admit that he was as innocent of kicking as I was. The floor was carpeted; there was no possibility of any mechanism being concealed in or under the table, and there was an open space between it and the medium. On several occasions after this, in the presence of other mediums, I saw tables and other pieces of furniture tipped and moved, generally with curtains drawn and lights turned low; but it was a kind of exhibition I never much cared for, or went out of my way to witness.

It was an interesting feature of the early séances with Mrs. Hayden that no pecuniary profit was derived from them, and both she and her husband appeared to be as disinterested investigators

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as any of their guests. But as the medium's power developed and became more widely known, the demands made upon her time by their friends and the friends of their friends correspondingly increased; until the doctor announced to me one day, "It's one of two things; it has got to stop, or it has got to be a business." I implored him not to make it a business; but he shook his head. "There's money in it," he said; and money was an important consideration with him just then. His weekly newspaper was not flourishing, and he had been for some time anxious to turn his attention to some more profitable enterprise. Was not here a providential opening, with opportunity to aid in giving to the world the revelation of spirit communication, and of grasping at the same time a fortune? He seemed to think so; and Mrs. Hayden became a public medium.

She was undoubtedly the best in Boston, in those days, and she soon became the most noted. The doctor disposed of his newspaper interest, and devoted his energies to the new business. For a while it drew in a good deal of money, but this never came in quite fast enough, and he conceived a bold scheme of taking Mrs. Hayden to London and achieving a success with her there, beyond anything possible on this side of the Atlantic. His judgment was in a measure justified by the results. He took a house in a fashionable quarter, and soon attracted to it throngs of visitors, many of them titled or otherwise distinguished, dukes, authors, reformers, men of science—Bulwer Lytton for one, then at the height of his fame as a novelist; and, for another, old Robert Owen, the Socialist, then an octogenarian, who, through Mrs. Hayden's mediumship, became converted from his life-long philosophical scepticism to a belief in immortality. The avowal of this conversion through her means I had from the aged philanthropist's own lips, when I saw him in London in the spring of 1855, and talked with him through his ear-trumpet on what had become to him the most vitally interesting of all topics.

The fee of a guinea was paid as readily for admission to these London sittings as half a dollar had been paid in Boston; and the doctor's dream of affluence might have been realized if the expenses of living abroad had not been proportionately high, or if other mediums had not soon crowded in to reap their share of the harvest.

Vision and Prophecy.—One of my intimate friends of those

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years was Benjamin P. Shillaber, who had gained a reputation as a genial humorist by his sayings of "Mrs. Partington." He was then editing "The Carpet-Bag," a weekly paper, mildly comic, to which I was a contributor. He was also interested in the mysterious communications, and we often discussed them when we met. One day in his office, he spoke to me of a friend whose wife was developing some extraordinary mediumistic traits. This friend was Alonzo E. Newton, editor of "The Pathfinder Railway Guide," whose office was in the same building with "The Carpet-Bag." I eagerly accepted the offer of an introduction. We found Mr. Newton correcting proofs at his desk; and, after a little talk about the manifestations in his house, he invited me to call and witness them for myself. This was in October, 1852.

I called one evening, and made acquaintance with Mrs. Newton in their modest home. She was *petite* in person, of a singularly trustful and sympathetic nature, generously impulsive, and, like her husband, earnestly religious. They were both members of the Edwards Congregational Church, although Mr. Newton was even then penning his remarkable letter to the Church on "The Ministry of Angels Realized," giving their own private, personal experience, and adducing Scriptural authority for the new, or rather renewed, faith;—a letter which both signed, and which, when printed, created a considerable stir among the members of the body to which it was addressed, and led finally to the signers' withdrawal from a communion that had long been the habit of their lives and was still dear to them. This was the first of a long series of able writings on the same and kindred topics by which Mr. Newton became well known to the Spiritualists of America. His wife's mediumship was as different as possible from that which produced the rappings and other more material manifestations. When, as we sat together that first evening, the "influence," as it was called, came upon Mrs. Newton, her eyes closed, her features assumed a rapt expression; she drew two or three deep breaths, in what seemed a condition of semi-trance (although she never at such times lost consciousness), and began to speak. The subject was their troubled relations with the Church, regarding which some invisible friend was giving them comfort and counsel. Not invisible to her, however, for to her inward eyes the room was full of spiritual beings, some as real to her as if they had appeared in the flesh. The first communicant gave way

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to others, and some really beautiful and inspiring things were spoken on the subject of spirit existence and the belief in it,—of all which I recall little but the ease and readiness of the language, quite different from the medium's ordinary speech. At length she turned to me and said in a changed voice, after a pause, "Your father is here." I asked some questions, hoping for a test, but got none, although the answers were such as my father might have given, and her description of him was consistent with my recollection of his form and features, after a lapse of eight or nine years. Whether these visions had any actuality, or existed in the seer's too weird imagination, I had no means of knowing, but I was convinced of the purity of her intentions, and of her husband's absolute faith in her.

My visits to the house became frequent after this, and I had the satisfaction of witnessing, and even of assisting in, the development of new phases of her mediumship. She was the first person I ever knew who had the psychometric faculty. I found her wonderfully accurate in reading the characters of persons wholly unknown to her if something belonging to them—a lock of hair or their handwriting—was placed between her palms or on her forehead. It might be enclosed in a blank envelope; for it was not necessary for her to see it, or even to know what it was. Once I tried the experiment of enclosing letters from three different correspondents in separate blank envelopes, shuffling them together, so that I myself should not know one from the other, and afterwards taking them from my pocket at random, one at a time, and giving them to her to "psychometrize"—a newly coined word that was called into active service in those days. From two of these, she received only a confused impression, perhaps in consequence of their juxtaposition for an hour or more in my pocket; but of the third she said, "The magnetism of this is strong enough to overcome anything! The writer is a man, and in force and energy a perfect steam-engine!" She then went on to describe with marvellous discrimination one of my intimate friends, Charles Graham Halpine, poet and journalist, later well known as the writer of the "Private Miles O'Reilly" "Adventures and Letters," and Adjutant-General in our Civil War. It was a note from him that was in the envelope.

Psychometry of this kind may be only a faculty of the mind, and have nothing to do necessarily with departed spirits, but that

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it was not so in her case I had what seemed ample evidence. Often in reading characters in this way, she would have visions of spirits that were giving her impressions, and sometimes she would describe the departed friends or relatives of the writers of the letters. Once I placed on her forehead a letter from my sister, Mrs. Fidelia Phelps, of Lockport, New York. After holding it there for a moment she said, "How many sisters have you?" I replied, "Four." "This letter," she went on, "was written by one of them." I asked, "Which one?" After some hesitation she replied, "Not the one who wrote the letter you gave me the other day" (which was a letter from my oldest sister, living in Illinois) "nor the youngest. Some one says 'second, second.' Is it your second sister?" "Go on and describe her," I said; and she continued: "She has black hair—dark eyes—there is something peculiar about them—she has some trouble in her eyes." After much more, which was perfectly accurate as to the personal appearance and character of my second sister, she said that a child, a boy about twelve years old, was present, who called the writer of the letter "Mother." That seemed the only positive error, while everything else that had been said was correct, some of it even surprisingly correct. I remarked, "My sister never had such a child." The medium seemed troubled for a moment, then replied, "He insists that he is the son of the sister who wrote this letter, and that he has been several years in the spirit world. Your father and other relatives are here with him."

Before I slept that night, I wrote to my sister, relating the circumstances of the interview even to the last apparent error; and in a few days received from her the explanation. She had had, about twelve years before, a son that died at birth—an event of which I, an absent young brother, had, naturally enough, not been informed.

That many of Mrs. Newton's visions were merely pictures presented to her mind or created by her own imagination was quite certain. She herself was aware of the distinction, but insisted that the pictures were "impressions" given to her by spirit visitants, and that her own conscious volition had nothing to do with them. They were generally symbolic of some truth or some lesson to be conveyed, and were often highly poetic, even prophetic. When, in writing the novel "Martin Merrivale," I endowed the

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blind girl, Alice, with this faculty of pictorial vision it was no fictitious fancy, but a psychological reality attributed to the fictitious character.

In the latter part of June, 1853, I had planned a trip to the White Mountains in company with Dr. Harris, a dentist of Worcester. Having received from him what I supposed to be a final letter on the subject, I handed it to Mrs. Newton. She passed into her usual state of semi-trance and said, presently, "You will not take that trip with Dr. Harris."

To my remark that the arrangements were made and could not well be changed, she answered, emphatically: "You will not take the trip. *They* say so. They do not explain why. But"—she gave a shudder—"I see a strange thing!" It was some seconds before she added, "A horrible thing! A man hanging by the neck." I asked what that had to do with it. "I don't know," she replied, "but it is somehow in the way of your taking the trip." And she repeated very positively, "You will not go to the mountains with Dr. Harris."

As some of her visions seemed to have no special significance, I concluded that this was one of them, but I was impressed by it, as it threatened an interruption of my plans. Two or three days afterwards I saw in "The Boston Post" this item: "Dr. Post, a dentist of Willimantic, Connecticut, has committed suicide by hanging himself to a bedpost." The coincidence of the words "Boston Post," "Dr. Post" and "bedpost" served to fix the item in my mind, although I was far from connecting it with Mrs. Newton's vision. The date of the suicide was not given, and I did not afterwards take the trouble to ascertain it, which seems now unaccountable negligence on my part, for upon that depends the question whether the vision was altogether prophetic or merely, in the ordinary sense, clairvoyant. My impression has always been that the vision was received before the incident took place; and I am aware how immensely the interest of the incident would be enhanced if this point could be established. It may seem strange that I did not make careful investigations and records of such matters to their minutest details; but they had become too common in my experience to be considered worth taking trouble about, and I had no thought of ever making use of them in the future.

It was still some days after the item appeared in the "Post" that I received a letter from Dr. Harris saying, "I find I shall

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not be able to take the White Mountains trip with you, for the reason that my assistant, whom I expected to leave in charge of the office during my absence, has been called to Willimantic to take the place of Dr. Post, who lately committed suicide."

We did not make the trip. Whether the suicide antedated the vision or not, the prediction of a circumstance concerning me that came to pass in this roundabout way, was sufficiently curious.

Some of the best of Mrs. Newton's perceptions had a prophetic character, unless we are to regard them as extraordinary coincidences; and they continued of not infrequent occurrence during many years. She never became a public medium, but she was always ready, even too ready, to "sit" for her friends, and for others whom her husband's reputation as a writer brought to the house; and I was more than once present when she gave astonishing "tests" to persons she had never seen before. I will give one more instance of her vaticinal faculty, although it belongs to a period later than those I have described.

I was present one evening when she passed "under the influence," and saw around my head something like the halo of a saint. I questioned the appropriateness of this, when she proceeded: "It is not a halo; it is more like a planetary ring—one of the rings thrown off from the sun in the formation of the planets." After a pause she continued, "Now it is no longer a ring, but it all breaks up and comes together in a single mass; and there is another ring forming." So she described the evolution of four or five rings, one after another, each in turn condensing into a planet. There were certainly four, but she was not quite sure of the fifth. To my question as to the meaning of it all she replied: "Your mind is the sun, and they are a series of books you are to write, all connected, belonging to one system. The first will be written very soon, and the others will follow." I had not in mind the writing of any such books, or of any book at all, at that time. But very soon after I was called upon, most unexpectedly, to write a serial story for "Our Young Folks" (a magazine that I was then editing), which satisfied readers and publishers so well that I followed it with a sequel, and that with another, and so on, until I had written for "Our Young Folks" and "St. Nicholas" five serial stories, each complete in itself, but all having "Jack Hazzard" for the principal character. The apparent verification of the prophecy may, of course, have been

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merely coincidental; but it was a pleasing fancy that the ring, in each case, corresponded with the serial publication running through the year, and that the "planet" was the volume into which the twelve numbers were duly gathered at the end.

Is there, then, a wisdom of the spirit, or are there invisible beings surrounding and prompting us, that "can look into the seeds of time and say which grain will grow"? Or is it all illusion?

Conclusions.—In the earlier years of which I have been writing, I lost no opportunity of studying the various phases of mediumistic manifestations, public or private. Many of these were as astonishing as those I have described; but I need not speak of them further than to say that, while some were undoubtedly eked out by trickery, or were perhaps altogether fraudulent, I was forced to conclude that they were for the most part genuine. By this I mean that they were not produced by any sleight-of-hand or system of deception, but that mediums themselves understood no more of their nature and origin than the intelligent, unbiased spectator. How, then, are they to be accounted for? All sorts of agencies have been conjectured from that day to this; electricity, nerve atmosphere, psychic force, telepathy, unconscious cerebral action, anything, often, rather than the single, simple explanation to which all the phenomena, in whatever plane, unmistakably point. Even that overdriven and broken-down hack, Mesmerism, has been taken out of the limbo of humbuggery, to which science previously consigned it, curried and caparisoned, renamed "Hypnotism," and ridden bravely in the crusade against the greater delusion.

I do not propose to philosophize on the subject here, but merely to point out that, while electricity may be employed in the production of raps and kindred phenomena, it can hardly supply the intelligence accompanying them; and that, although telepathy may enable your medium to select from a number of folded paper pellets the one on which you have secretly written the name of a departed friend, and write for you a message on some subject known only to you and that friend; yet when he slips up his sleeve and shows you that friend's initials raised in red welts on his arm (all which I have witnessed) telepathy steps down from the witness-stand and walks out of court.

So of all the other theories except one. Why not accept the testimony of the manifesting power itself? Question the mys-

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terious agency behind all the diverse forms of what are called spiritualism, who or what it is, and the answer never comes "Magnetism," "Thought-transference," "Subliminal consciousness," nor anything of that sort, but always and invariably, "We are spirits." If aught else, why does it not sometimes say so? Why will it not listen to argument, and admit that it has hitherto mistaken its own identity? According to my experience, the different aspects of the phenomena are like a circle of mirrors, some fair and clear, others more or less murky, but all reflecting their rays upon a central focus of truth. Not that the assumption of spirit mediation explains everything. Much is still hopelessly obscure. But the wonder is, not that this wireless telegraphy should encounter so many disturbing influences, but that there should be any communication at all across the dim boundaries of states so unthinkably dissimilar.

The one incredible thing, from the materialistic point of view, is that the individual spirit should continue to exist after the body's dissolution. Difficulties disappear when we admit this possibility. It is no argument against the spiritualistic origin of the messages that so many of them are imperfect or contradictory or even illiterate and vulgar. The ignorant and the depraved are not, on entering the spheres beyond this, transformed at once into angels of light. It is an error to regard whatever purports to come from those spheres as authoritative and worthy of acceptance; as if we should heed all the voices that call us through a speaking-tube, to which not only the friends who have gone out from us, but the rabble of the street also have access. Is it not equally unwise to cut off and condemn all communication, because many of the calls are false or foolish or broken by baffling echoes?

JOHN TOWNSEND TROWBRIDGE.

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CONGRESSIONAL SALARY LEGISLATION.

BY HUBERT BRUCE FULLER.

THE comparatively recent enactment of a Salary Law by Congress suggests one of the most interesting and fascinating subjects of legislation in our national career. Every previous attempt on the part of Congress to increase the salaries of its own members met rebuke, varying from quiet denunciation to veritable cyclones which swept the country, and in their destructive course visited utter annihilation upon some of the most promising national careers.

When the first Congress of the United States convened in New York in 1789, the question of salaries to be voted the various Federal officials proved one of the most perplexing of the many difficult problems which confronted the uninitiated. Before the question was brought to an issue, many of the more impecunious members had been reduced to the embarrassing necessity of negotiating loans from their friends. At length, a committee of the House of Representatives was named to frame a report and prepare recommendations upon the salaries for the President, Vice-President and members of Congress. This committee, following the usual trend of untried minds put to the solution of a novel task, looked about for some precedent to serve them as a guide. This precedent was the pay received by the members of the Congresses of the Confederation.

Under the Confederation, each State paid its own representatives in Congress and instructed and recalled them at pleasure. The compensation in all cases was based on the *per diem* theory and ranged from four dollars, paid by the smaller, to eight dollars provided by the more affluent, States.

Invoking the law of averages, the committee ascertained that the various States had paid their members approximately six

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dollars and a half *per diem* for actual service. They, therefore, reported a bill providing for payment at six dollars *per diem*.

When the Salary Bill came up for discussion in the House, the Presidential salary was, naturally, first approached. All manner of theories, figures and methods of payment were suggested, but $25,000 a year was finally voted; and, after heated debate, the salary of the Vice-President was fixed at $5,000.

The committee reported in favor of six dollars a day for Senators and Representatives and double that amount for the Speaker of the House. The flood-gates of oratory were opened wide. The press ridiculed and stormed by turns. Amendments of every manner and description were offered. The opponents, chiefly anti-Federalists, frantically declared that the members of Congress would riot in profligacy, supporting indecent theatres, imbibing costly wines, and by their example of extravagance prevent other States from joining the Union.

Sedgwick, of Massachusetts, moved to amend and allow Senators six dollars *per diem* and Representatives five dollars. To his mind, this seemed more in harmony with the spirit manifested in the Constitution toward these two Houses. The Senate was more dignified in its personnel and required more ability, greater age and longer service than the House.

Richard Lee, of Virginia, seconded Sedgwick's appeal. He contemplated the Senate as a barrier between the Executive and the House of Representatives, shielding the people from the dangers of attack by an aspiring Magistracy, on the one hand, and, on the other hand, from being "desolated by the anarchy often generated by a time-servingness to veering popularity." He supported a distinction in favor of the Senators of two or three dollars a day. Madison commended this idea and Washington declared himself to be "clearly of opinion that there ought to be a difference in the wages of the members of the two Houses of the Legislature."

John Vining, of Delaware, opposed Lee's solution of the question, and declared with prophetic tone:

"When I consider the mode in which the Senate is elected, I apprehend we may have there men whose wealth has created them the influence necessary to get in. If anything is to be expected by this 'refined choice' it is that men of rank and opulence will draw the regard of the small and select circle of a State Legislature: while the Representatives in

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this House, being the choice of the fellow citizens, among whom rank and dignity are rather unpopular, will consist of men of middling circumstances."

Then, as ever in the history of debate, clever wit proved a match for cold logic. Jackson, of Georgia, aroused a storm of applause by the query whether a Senator would eat more or drink more costly liquors than a member of the House. Although the theory of recompense for services rendered was recognized, yet the impression prevailed that any compensation should be only sufficient to meet the reasonable expenses of a member at the seat of Government. The expenses and duties of the members of both Houses were equal and the pay should be the same.

The statisticians of the House quoted long and complicated tables to show that, at the proposed rate, if a member were frugal, spurned the follies of the theatre and renounced fine liquors, he might perchance save £110: and this was to recompense him, if a professional man, for the loss of his client, or, if a merchant, for a great chasm in his business.

Some argued that, instead of giving the Speaker a *per diem* double that of the members, the rule of division rather than the multiplication table should have been invoked. They declared that his was the easiest berth in the House: he is never on a committee, never draws up a bill and never frames a measure.

At length the Salary Act was passed. The President was to receive $25,000 a year, the Vice-President $5,000, the members of both Houses a *per diem* of six dollars and the Speaker of the House twelve dollars *per diem*.

An interesting comparative table of salaries is suggested by the various Salary Acts of the first Congress. The Secretary of State and the Secretary of the Treasury were allowed a salary of $3,500 each; the Secretary of War, $3,000; the Attorney-General, $1,500; the Comptroller of the Treasury, $2,000; the Treasurer, $2,000; the Auditor of the Treasury Department, $1,500; the Registrar, $1,250; the Governor of the Western Territory, $2,000; the Assistant Secretary of the Treasury, $1,500; the chief clerk of the Department of State, $800; the chief clerk of the War Department, $600. Clerks might be hired in the different departments of the Government at salaries not to exceed $500 per annum. The Chief Justice of the Supreme Court was allowed an annual salary of $4,000; the Associate Justice, $3,500;

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the Federal Judges received salaries ranging from $800 a year, for the Judge of the District of Delaware, to $1,800 each for the Judges of the Districts of Virginia and of South Carolina. By Acts of 1790 Ministers Plenipotentiary to Foreign Powers were to receive not more than $9,000 a year as compensation for all personal services and other expenses. A Major-General in the army received $166 a month; a Brigadier-General, $104; the Quartermaster-General, $100; and the Adjutant-General, $75.

For one year, 1795, Senators received a *per diem* of seven dollars. In 1796, a bill was introduced providing an annual salary of $1,000 for the members of both Houses, instead of the six dollars *per diem*. The supporters of this bill declared that the increase in the cost of living had been so marked since the enactment of the law of 1789 that six dollars was no longer a fair compensation. They argued for the annual salary feature that thereby the members might be inspired to greater despatch of public business.

On the other hand, it was fervently declared that the temptation to shorten the session would be so cogent as to occasion the neglect of vital interests of the nation: some feared that it would prevent sufficient debate, while one member declared that the proposed legislation would amount to a "bounty to neglect the business of the Legislature." So strong was the opposition to the salary feature that a substitute amendment was introduced providing for a *per diem* of eight dollars. However, the bill even in its amended form was defeated, and the Salary Bill of 1789 was re-enacted.

The Congress elected in the fall of 1814 had been chosen as a Congress of reform. National Bank legislation, a protective tariff and a score of other matters, of scarcely secondary importance, were demanded by the dissatisfied electorate. Congress had been in session three months, yet no apparent progress had been made on the issues of real importance.

Only seven bills had gone to the White House for Executive Approval. Why such inaction? The lay mind could not understand why 218 men, presumably chosen for their conspicuous ability, should dally six months, or more, each year over business which, with reasonable application, might be consummated in one-half that time. The *per diem* compensation was assumed to be the reason and suggested the remedy.

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A Salary Act was framed by this "Reform Congress." It was entirely proper. Congressmen were still receiving the six dollars *per diem* established by the Salary Act of 1789. With the growth and development of the country a more costly manner of living had become imperative. In the intervening twenty-five years, the prices of the ordinary necessaries of life had in many instances doubled, and even trebled. Sugar had gone up from twelve to twenty-five cents a pound; coffee from eighteen to thirty-seven; pork from nine to twenty; clerk hire, fixed in 1789 at $500, had been raised to $1,000, and the salaries of other Government officials had been similarly increased. The Secretary of State and the Secretary of the Treasury each received $5,000 a year; the Secretary of War and the Secretary of the Navy, $4,500 each; the Attorney-General, the Treasurer of the United States and the Auditor of the Treasury, $3,000 each; the Comptroller of the Treasury, $3,500; members of Congress, forced to neglect their business, leave their homes and incur the additional expenses of a temporary residence, were still paid only six dollars *per diem*. An increase in pay was both necessary and justifiable. But here we meet a phenomenon, quite frequent in business and political life, where the explanation and manner of committing an act are infinitely more reprehensible than the act itself.

Shortly before adjournment, in the summer of 1816, a bill was introduced by Richard M. Johnson, of Kentucky, providing an annual salary of $1,500 for members of both Houses and double that amount for the Speaker of the House and the President *pro tem.* of the Senate. Further, if passed, the bill would be retroactive and date from the beginning of the session, March 4, 1815. The arsenal of debate was immediately raided for weapons, and the members rushed to the contest.

The partisans of the bill declared that the law would serve to shorten the session of Congress and provide a more equitable compensation for the members. On the other hand, it was denounced with hysterical emphasis. "Profligacy," "extravagance," "wanton waste," "criminal malfeasance," were the epithets applied to the measure by its detractors. Particularly the retroactive feature was assailed.

John Randolph, of Roanoke, approved the bill with the exception of the retroactive clause. He declared, however, "that it would not remedy the present glaring evils." Said he:

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"Are not members obliged to be wakened up to vote: roused up to hear the question? Do they not keep the House from adjourning because they have not finished a letter or sent off the last newspaper? The Debates of the House are swelled to their great length by inattention of members: and to remedy it we must get rid of this book-binder's shop. The House is not exactly like a Dover Court where they are all speakers: but here there is one speaker and no listener."

He declared that he had no fear of voting for the bill from its effect upon his popularity. "For my part," he said, "I am not afraid of this thing called popularity: to vote myself $1,500—for what? For coming here and living as in a boarding-school or a monastery."

He dismissed the argument that such a bill would serve to curtail debate with the declaration that, in his opinion, "they [speeches] are like old women's physic—they do neither good nor harm."

Huger, of South Carolina, quoted a formidable array of figures to prove that by frugal living, even under the old system, a member might still take home with him a comfortable surplus. He ridiculed a member from Massachusetts for keeping two dogs at his hotel, and declared that he could not agree with the venerable Mr. Wright, of Maryland, who insisted that Madeira was indispensable to the dignity of a gentleman who occupied a seat in Congress. "I have some doubts," said he, "whether the member who has made a late dinner or his supper with brown bread and a tumbler of genuine cider would not find himself, on the following morning, fully as adequate to perform the duties of a legislator as the one who has feasted sumptuously with the best white loaf, or enjoyed his bottle even of the deservedly far-famed old lath of Alexandria."

The bill was passed with its unsavory retroactive clause, although Randolph declared that he would as soon be caught with his hand in some other gentleman's pocket as in drawing any of the back pay. It was, further, rushed through with suspicious and unseemly haste. In the House it was introduced one day, read and considered the next, and passed the third. In the Senate postponement, commitment and amendment were all defeated.

The thunder-clouds of national indignation roared above. The storm broke. The whole nation seemed to tremble in the convulsive spasms of political hysteria. Every Congressman who

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had voted for the bill was attacked with the venom of personal hatred. "Pirates," "looters of the Treasury," "thieves," "traitors to the people"—such were the epithets bandied about the country. Federalist and Democratic demagogues vied in the wild effort to be foremost and loudest in denouncing the "compensation men." The artillery of the press was opened upon them with withering broadsides. Grand juries of Vermont and Georgia returned presentments against the members who had voted for the nefarious bill, and demanded the election of a Congress pledged to its repeal. The people seemed all at once infected with the germ of madness.

"Private robbery and public plunder" was the favorite characterization; denunciation and retort, violence, abuse and clamor filled the whole country. Every prospective candidate for office, from constable to Congressman, stigmatized the law as wicked and corrupt, and gained votes by conspicuously placarding his sentiments in every available inn, tippling-house and stable. Whenever two men got together to exchange the compliments of the day, they first drew up a series of denunciatory resolutions. The turkey buzzard was suggested as a fit emblem to replace the national eagle. Even those who voted against the bill were assailed for accepting the tainted salary. A meeting of "patriots" on the 4th of July, 1816, presided over by one of the judges of the Supreme Court of Pennsylvania, drank, with enthusiasm, the toast—"The $1,500 compensation law: the receiver is as bad as the thief." The popular outburst was an interesting and valuable historical contribution to the psychology of political caprice. The supporters of the bill were hung and burned in effigy by howling mobs, and then slated for political decapitation. Members of Congress felt that they were, indeed, "politically dead" and that the cards were out announcing the obsequies. Lively ghosts they determined to be.

Even Henry Clay, "our Harry," always nominated and elected by acclaim, was forced to conduct a spirited contest for reelection, and was rescued from the cataclysm only through his personal popularity. Others were less fortunate. Georgia returned but one of its former delegation to Washington; South Carolina, three out of nine; Maryland, four out of nine; Pennsylvania, thirteen out of twenty-three; Connecticut, but two out of seven. The entire delegations from Ohio, Delaware and Ver-

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mont were relegated to private life. Nine members, disgusted with the popular clamor, resigned before the opening of the second session of this ill-fated Congress, and were superseded by men rancorous in their hostility to the compensation law. Both the popular rage and the punishment thus summarily inflicted were unreasonable and, like most exhibitions of popular anger, unfortunate. The Fourteenth Congress, thus ruthlessly destroyed, had been by far the most efficient of any as yet convened under the Constitution.

Congress had scarcely assembled for its second session in December, 1816, after the disastrous whirlwind of the fall election, when Johnson, the father of the ill-fated Act, introduced a bill for its repeal. The ensuing discussion strongly suggested "experience day" at a camp meeting. The unhappy members regaled each other with stories of their humiliation and defeat. The mercurial Randolph, one of the fallen majority, denounced the people for expecting Congressmen to "live like blackguards."

The Committee of the House prepared a lengthy defence of the Salary Act, but recommended, in view of the popular clamor, its repeal and the substitution of a *per diem* rate at a slight increase over the honored six dollars.

Randolph ridiculed this "auction of popularity," opposed the repeal and refused to offer such a "tub to the great Leviathan of popularity." He spurned the idea that "backwoodsmen of Kentucky were qualified to judge of the compensation necessary to support a gentleman genteelly in Washington, particularly if we can believe the story as to the luxuriant growth of the articles of that country 'that a cane stuck down to mark a hill of corn had been forgotten a few days and had itself produced two nubbins,' and where chickens, pigs and all kinds of poultry are said to grow spontaneously."

After a long debate, in which Randolph aroused considerable consternation by suggesting the refunding of all that the members had received above six dollars *per diem*, the Salary Act was repealed—the repeal to become effective from March 4th, 1817. The whole question was left as an unwelcome heritage to the Fifteenth Congress. Thus did the Reform Congress become the censurer of its own conduct and pass sentence of condemnation upon itself.

The salary provided by this pestilential act was manifestly

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reasonable, although the time and method of its passage were equally unfortunate. The country was struggling under the burden of the unrepealed war taxes, and was in no mood to increase its load. In 1815 the collectors of the ports of Boston, New York, Philadelphia, Norfolk, New Orleans and Savannah received an annual salary of $5,000 each. The Postmasters of Albany, Baltimore, Philadelphia and Boston received each $2,000 a year. The Postmaster of Hartford received $2,234 a year; of New Orleans, $2,180; of Norfolk, $2,007; of Pittsburg, $2,118; of Richmond, $2,648; and of Washington, $5,207. The Governor of New York received $7,000 and the Mayor of New York City $7,500 a year.

By the act of January 22nd, 1818, members of Congress were voted a *per diem* of eight dollars, and an allowance of eight dollars as mileage for every twenty miles of the distance from their respective homes to Washington and return. The Speaker and President *pro tem.* of the Senate received sixteen dollars a day.

Warned by this prompt vengeance of an outraged public, Congress voted no further salary increase until 1856, although two or three sporadic attempts were made in the intervening forty years. In the mean time, the salaries of the prominent Federal officials had been augmented at various times. The salaries of the Associate-Justices had been raised to $6,000, while the Chief Justice received $6,500.

The cost and standard of living had materially increased, and the country at large was basking in the warm sunshine of material prosperity. Moreover, with the enlarged territory of the Union, the compensation law of 1818 had contrived to work serious inequalities, owing to the mileage clause, which provided an allowance of eight dollars for every twenty miles up to 1,250 miles, then six dollars for every twenty miles of the remaining distance from their respective homes to Washington and return. At a rough estimate, the gross income for a Senator or Representative from California was $7,000 a year, while his confrère from Maryland or Virginia received $1,500. The cost of travel was high, yet it was surely not so exorbitant as to warrant the rate of eighty or even sixty cents a mile.

Senator Weller, of California, frankly admitted, though with some embarrassment, that he was receiving $5,400 as mileage.

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Naturally the net income of Congressmen varied materially, and the members from the Far West were looked upon with ill-concealed envy.

In 1856 a bill was introduced in the Senate providing an annual salary of $2,500 for the members of both Houses of Congress, and double that amount for the Speaker and President *pro tem.* of the Senate. No change in the mileage provision was suggested, and the act was to become effective only upon the adjournment of that session of Congress, so that the scandal of a retroactive clause might be avoided. After an acrimonious debate and much parading of figures, the House of Representatives amended the bill, making it retroactive, and increasing the salary to $3,000 a year for the members and $6,000 for the Speaker and President *pro tem.* of the Senate. In this form it was at length carried.

The newspapers denounced the "steal" suggested by the retroactive clause, and declared the increase to be wholly unwarranted. However, the nation was absorbed by the greater issues, then so near the frightful climax of blood and arms. But for a few isolated cases, there was no such visitation of condign punishment as had marked the enactment of the Salary Bill of 1816.

The "Salary Grab" of 1866 produced very little censure, despite the fact that it too was retroactive, that it was fraudulently coupled with another measure, and that it was railroaded through Congress with suspicious haste. This salary act increased the annual pay of Congressmen to $5,000, but reduced the mileage to the more reasonable rate of twenty cents a mile by the nearest route.

The honorable members of that Congress "whistled in the graveyard," and for once the two hostile parties joined hands in ingeniously dividing the responsibility for the act, that neither might be held responsible—a very wholesome and salutary precaution. They concluded, after casting the political horoscope, that the increase would be soon forgotten in the fierce heat of sectional and reconstruction passion, or, at most, that it would be catalogued with the ordinary public and political scandals occasionally to be visited upon the masses. The leaders judged the public pulse correctly; for so indifferent were the people, despite the lurid maledictions of a hostile press, that the man-

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agers of the "foray" were later heard to boast that only one member had scorned to pocket his share, and that his over-sensitive conscience was rewarded by defeat for re-election.

In 1873, just before the adjournment of the Forty-second Congress, the most notorious of all of the "back-pay grabs" was enacted. The bill increased the salaries of the President of the United States to $50,000, of the Chief Justice to $10,500, of the Associate Justices and the Speaker of the House to $10,000, and of the members of Congress to $7,500. Although Congress lacked only a few days of its lawful dissolution, the bill was made retroactive, to take effect from March 4th, 1871. A veritable cyclone of indignation, similar to that of 1816, swept from the Atlantic to the Pacific. Each member of Congress, it was declared, had criminally robbed the country of $5,000. One of the leading periodicals of the day, in denouncing the measure, declared that it would "hurt the reputation of Congressmen more than fifty things more nefarious." The act was in itself objectionable for several reasons, and it was passed in a very discreditable way—to say nothing of the scandal of making it retroactive. The Forty-second Congress was the last of what might be accurately termed the "War Congresses." They had been accustomed to appropriating and disbursing vast sums of money; the war taxes, many of them still in effect, provided a large national income. It was the period of large figures, of wild-cat speculation, of gross extravagance and wasteful expenditure. As one paper said, after Congress adjourned, "We may not have complete purity hereafter, but we shall have considerably less corruption."

One of the most conservative of the public prints declared editorially:

"Nothing which any Congress has done for many years has excited as much public indignation as the vote of the 'back pay' to themselves by the gentlemen of the Forty-second, who have just gone home. The obscurity of most of them will shield them hereafter, and will enable them to enjoy the money in peace. But the offence differs little, if at all, from that of a president of a bank who should raise his own salary in the middle of his year, pay himself out of the till, and then resign and set the directors at defiance. In fact, it is worse: because a bank president would know that he might be reached by the law, while Congressmen know they are safe against the only pursuit which for many of them has any terrors—that of criminal justice. We have a class of

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'statesmen' on whom the opinion of the decent and moral elements of American society has absolutely no influence, and who revel in an unprecedented callousness."

The minority who voted against the act, and thought their moral obligation thus discharged, should be made to "understand that it is as disgraceful to take the money as to vote it."

When the Forty-third Congress met in December, 1873, so persistent had been the cry of "thief," the salary question was immediately discussed with a view of at once wiping away a stain and making a strong bid for personal popularity. General Butler, one of the leaders in the "raid" of the previous Congress, proposed that an act be passed authorizing suits at law for the recovery of the back pay thus received. However, this hysterical remedy was not adopted. A spirited debate marked the consideration of the act to repeal. The arguments smacked much of those employed on a similar occasion sixty years before—indeed, they suggested that the reports of Congress in 1817-18 had been studiously consulted. And again they assumed the form of autobiographical narration.

Judge Lawrence, of Ohio, although he had favored the "grab" of 1866 and had pocketed $4,000 by virtue thereof, waxed eloquent in his vigorous denunciation of salary acts of any manner or description. The three great crimes of the age, he declared, were the Missouri Compromise, the firing on Fort Sumter and the Salary Act. The exposure of his previous record on this question, however, drew the fangs from his speech and made him an object of shamed embarrassment. The debate grew so bitter, and withal so personal, that one member objected to its continuance on the ground that the Constitution forbade "cruel and unusual punishments." Public sentiment, so manifestly hostile, was not to be ignored; and in January, 1874, the bill was repealed as of March 4th, 1873. However, the salaries of the President and Justices of the Supreme Court were retained at the figure fixed by that act.

Congressional salaries of $5,000 a year remained stationary for a third of a century, not so much from a conviction of the justice of that figure as from a wholesome respect for popular sentiment. Shortly before the close of the last Congress a Salary Act was passed increasing the compensation of the Speaker of the House of Representatives, the Vice-President and the members of the Cabi-

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net to $12,000 per annum, and raising the salaries of Senators and members of the House to $7,500. The conservative portion of the public and the less radical daily prints generally admitted the justice of this salary increase. Then, too, it was divorced from the disagreeable features of retroactiveness and partisanship which had inspired the particularly bitter condemnation of the Salary Acts of 1816 and 1873. Made effective for the ensuing Congress, beginning March 4, 1907, it was the first Congressional Salary Act in our history which did not increase the stipend of the enacting Congress.

Although a member of Congress receives only the stipulated $7,500 a year as salary, his position carries with it certain perquisites which increase the total very considerably. For instance, every member has an annual allowance of $1,500 for a clerk. Probably three-fourths of the members of the House, who have little correspondence, either carry members of their private families on the pay-roll, or appropriate to themselves the whole amount. One hundred and twenty-five dollars is voted each member as a "stationery allowance"; this is usually taken in cash. The mileage rate of twenty cents a mile also provides comfortable dividends—though the prohibition of Congressional railroad passes has diminished the size of this very comfortable "melon." However, many members from the Pacific coast draw as much as $2,500 as mileage.

European statesmen and students of American political institutions frequently comment upon the economy, even niggardliness, practised by the Federal Government in the pay of its officials. An advance in the salary of the President and a moderate increase in the remuneration of other officials, particularly in the diplomatic and consular service, are on the "boards" for some not distant date. In this way, it is believed, recognized ability can be diverted from the profitable fields of individual enterprise to the honorable, though not very lucrative, channels of public service. A study in the comparative salaries of private corporations and certain municipalities and of the Federal Government would seem to furnish some justification for such a measure.

HUBERT BRUCE FULLER.

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EDUCATION FOR THE NEW CONSULAR CAREER.

BY JOHN BALL OSBORNE, CHIEF OF THE BUREAU OF TRADE RELATIONS, DEPARTMENT OF STATE.

THE recent changes by law and executive order in our consular system have been effected so rapidly and thoroughly that it is difficult to realize that the consulships have at last ceased to be the means of rewarding partisan service. The old era has passed, and with it the streams of impecunious and shiftless relatives of influential statesmen, defeated candidates and troublesome political rivals, bankrupts and ineffective professional men, superannuated clergymen and invalids seeking a genial climate, and naturalized citizens ambitious to return to the scene of early struggles and associate on terms of equality with those who once spurned them, that regularly, when power passed from one party to the other, swarmed at the White House and the Department of State in the quest for consulships. Under a system in which the decisive test was strength of political influence, it is no wonder that many of these classes succeeded in obtaining appointments. Hereafter candidates who are equipped only with the formerly potent political backing will find to their sorrow that the changed order of things has slammed the door of hope in their faces.

The Reorganization Act of April 5th, 1906, has accomplished much for the betterment of the consular service; but the President and the Secretary of State are doing even more by carrying out with determination the admirable provisions of the Executive Order of June 27th, 1906. While the law mentioned regraded all the consuls-general and consuls, and readjusted their salaries on an equitable basis; provided a system of regular inspection of consulates; Americanized the clerkships; extended the prohibi-

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tion to engage in trade to all officers with salary exceeding $1,000; and made the salaries of all consuls-general and consuls their sole compensation of office, by declaring all fees, including notarials, to be official, the Executive Order has gone farther, for it has extended to the consular service the merit principles of the Civil Service Act of January 16th, 1883.

This Executive Order limits all original appointments to the two lowest grades of consuls, namely, those whose salaries are $2,500 and $2,000, respectively; creates a stringent system of examination for admission to the service; and provides that all vacancies in the offices of consul-general and consul above the two lowest grades shall be filled by promotion from those lower grades, on the basis exclusively of ability and efficiency shown in the service.

The Executive Order establishes a Board of Examiners composed of two officials of the Department of State and the Chief Examiner of the Civil Service Commission. The examinations are both oral and written, the two counting equally. The object of the oral examination is to discover the candidate's business ability, alertness, character, address and personal bearing, general education and contemporary information, and natural fitness for the service, including moral, mental and physical qualifications.

Candidates are required to obtain a general average mark of 80 on a scale of 100, in order to be eligible for certification. This minimum is 10 points higher than is required in the Civil Service examinations for positions in the classified service in this country. Candidates must be between the ages of 21 and 50 years of age; citizens of the United States; of good character and habits, and physically and mentally qualified for the proper performance of consular work. Furthermore, they must have been specially designated by the President for appointment to the consular service, subject to examination.

The requirement of prior Presidential designation is the only feature that prevents the examination system from being absolutely competitive. It might be assumed that the process implies the possession of more or less political influence. This, however, has not been the case up to the present time under the new régime. United States Senators have shown a commendable disposition to recommend to the President for designation promising young men without inquiring into their political affiliations

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or influence, and the designations, in conformity with the Executive Order, are so made as to secure proportional representation of all the States and Territories in the consular service. The stringent character of the examinations is the saving feature of the new system. The large percentage of candidates who failed in the first three examinations proves that a designation is worth nothing to those who lack excellent qualifications. It is a question of the survival of the fittest, and so the examination is virtually competitive.

Upon the conclusion of the examination, the Board of Examiners certifies to the Secretary of State, as eligible for appointment in the consular service, the names of those candidates who have attained upon the whole examination, oral and written, an average mark of at least 80. As in the case of designation, appointments are so made as to secure proportional representation of all the States and Territories in the consular service.

Up to this writing five regular examinations for the consular service have been held under the new rules. The following statement shows the results of these examinations:

Date.	*Designated.*	*Examined.*	*Passed.*	*Per cent. passing.*	*Per cent. failing.*
March 14–15, 1907....	24	18	10	55.5	44.5
July 9–10, 1907.....	54	38	13	34.	66.
Nov. 20–22, 1907.....	36	25	9	36.	64.
April 7–9, 1908.....	35	30	19	63.	37.
July 7–9, 1908.....	72	46	(not yet announced)		

The ages of the eligibles from the first examination ranged from 26 to 43, four being above 35 and three between 26 and 30. Six had practical business experience, and four professional or journalistic training. Most of those who took the second examination had enjoyed the benefit of a college education, and of the successful candidates five had business experience, four had been journalists (two specializing in financial and commercial journalism) and three had engaged in educational work. Three or four were still in the early twenties. It is a remarkable fact that of the 19 candidates who successfully passed the examination of April, 1908, 16 had more or less college training, the majority being graduates. The institutions represented were Yale, George Washington, Harvard, University of Paris, Johns Hopkins, Brown, Lehigh, University of Virginia, University of Michigan, Chicago University, University of the South, West Virginia Uni-

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versity and Wesleyan University. Nearly all the eligibles have already received consular appointments and have entered on their duties.

The written examinations are divided into eight subjects, which, with their relative weights, aggregating 20, are as follows:

1. Modern languages—French, German or Spanish—2.
2. Natural, industrial and commercial resources, and commerce of the United States—4.
3. Political economy—2.
4. International, maritime and commercial law—3.
5. American history, government and institutions—2.
6. Political and commercial geography—3.
7. Arithmetic—2.
8. Modern history (since 1850) of Europe, South America and the Far East—2.

The following questions, which are selected from those given at the first examination, will show the character and scope of the test:

Modern languages.—Candidates are required to make a close translation into idiomatic English from either French, German or Spanish, and to translate a short business letter from English into one of these languages.

Resources of the United States.—What causes have contributed to the growth of the iron and steel industries in the United States? What is the rank of the United States in agriculture, mining, manufacturing and merchant marine? What is its rank in export trade? State some of the requirements for the development of a large foreign commerce, and what countries are our chief competitors for foreign trade.

Political economy.—Of what advantage to a consul is a knowledge of the principles of political economy? State some of the advantages of foreign exchange in cancelling indebtedness between merchants of different countries. Why is exchange on London or New York preferable to exchange on smaller cities? What are the principal reasons for the development of trade between different countries?

International, maritime and commercial law.—What were the rules adopted at the Declaration of Paris? Define citizenship and domicile. Discuss the nationality of married women. Give three conditions essential to the validity of a treaty. In general, what papers are necessary to determine the nationality of a vessel? What is meant by salvage, demurrage, general average and bottomry?

American history, government and institutions.—How, when and from whom was the contiguous territory of the United States acquired? and the non-contiguous territory? How is the President of the United States chosen, and what are the constitutional requirements for eligibility to

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the office? Where in the American Government is the treaty-making power vested?

Political and commercial geography.—What countries, independent or otherwise, border on the Mediterranean Sea? What country produces the largest supply of cane sugar? and beet sugar? Name the country which refines the most petroleum, the one which is the largest exporter of raw silk, and the one which makes the most wine. What is the principal export of Argentine Republic, Brazil and Chile? Name the bodies of water through which a ship would pass on the shortest all-water route going from Bombay, India, to Dover, England.

Arithmetic.—The candidate was required to make the additions in a tabular statement of exports from the Straits Settlements to different countries; also to give an itemized statement of a commercial account.

Modern history.—Briefly describe the features which have been noticeable in the government and development of South American republics. Describe briefly the form of government of the German Empire. What causes led up to the Russo-Japanese War, and what were its results?

The field covered by this examination is so broad, the questions so representative, and the scrutiny of the oral test so searching, that a high order of intelligence and an unusually good educational equipment are needed to meet the ordeal successfully. In view of the reasonable stability of tenure assured by the recent reforms in the service, and of the difficult and somewhat technical character of the entrance examination, it is important for young men who aspire to appointment as consuls, with a view to following the service as a life career, to properly qualify themselves by systematic preparation through appropriate courses of study.

The idea of university training for the public service dates from the Middle Ages, when the German universities began to offer, to students who expected to follow that occupation, courses of training—apart from those in law, theology, medicine and philosophy. The subjects taken by these students included economics and political sciences, besides a certain amount of public and administrative law. They were designated as the "*Cameralwissenschaften*" or "*Cameralia,*" and the students became a distinct category known as the "*Stud. Cam.,*" like the "*Stud. Med.*" or the "*Stud. Phil.*" In some institutions the cameralist subjects became in time more sharply differentiated than in others; for example, in the University of Tuebingen a separate faculty of *Staatswissenschaften,* or Political Sciences, was created.

At the present time, however, the most famous school of training for the public service is in France,—the *Ecole Libre des*

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Sciences Politiques at Paris, founded by Emile Boutmy in 1871, for the purpose of offering a complete and methodical system of instruction in the political and social sciences as a whole. This interesting institution, which has no organic connection with the French Government, furnishes to young men who contemplate entering the public service of France a thorough preparation to enable them to pass successfully the competitive examinations for the establishment of the eligible lists from which all appointments are made. The work of the school has been grouped into eight sections corresponding to the principal departments of the public service, viz: (1) Diplomacy, including the Ministry of Foreign Affairs, the diplomatic service and the consular service; (2) the Council of State; (3) Administration; (4) Inspection of Finance and the Colonies; (5) Court of Accounts; (6) General Governments of Algeria and Indo-China; (7) Protectorate of Tunis; and (8) Financial, industrial and commercial enterprises at home or abroad.

The ordinary duration of the course in any one of these groups is three years, although only two years are required. Most of the students are past 18 years of age when they enter. In the last ten years, the Diplomatic Section has had 1,689 students, and in this period all the vacancies in the Ministry of Foreign Affairs, with but three exceptions, have been filled by the appointment of graduates of this school.

The remarkable success of this Paris school is especially interesting to Americans at this time by reason of the need of a similar institution in this country for the training of young men for the public service. The new conditions for appointment to the consular service have particularly emphasized this educational need. All those whom the President has so far designated for examination have been men of good education, and yet one-half of the candidates failed dismally at the first examination and two-thirds at the second and third, making it evident that the test is sufficiently technical to call for special training. Already a dozen or more of our great universities and colleges have recognized this fact, and are hastening to supply the demand by offering suitable courses of study. I shall point out some of the most noteworthy instances of these efforts to educate young Americans for the foreign service.

In this connection it is interesting to recall the earnest ef-

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forts made by President Washington for the establishment of a National University in the District of Columbia to which young men from all parts of the country might resort for the completion of their education in all branches of polite literature, in the arts and sciences, and, particularly, in the principles of politics and good government. In his message to Congress in 1796 he declared that the primary object of such a national institution should be the education of the American youth in the science of government. What he hoped for has been substantially realized in the new College of the Political Sciences just established as a department of George Washington University.

George Washington (formerly Columbian) University enjoys the distinction of being the pioneer in the field of university training for the public service. Recognizing that the city of Washington offers unrivalled facilities for the cultivation of the political sciences, the President of Columbian University projected in 1889 a School of Comparative Jurisprudence as an annex to the Law Department; but no action was taken until 1898, when a School of Comparative Jurisprudence and Diplomacy was established as a department of the University. This department, the name of which was subsequently changed to the School of Politics and Diplomacy, was essentially a graduate and professional branch of the University, admitting only students in possession of academic or professional degrees. Its purpose was to fit young men for the public service at home and abroad, particularly for the consular and diplomatic service, and to supply systematic economic training to journalists, teachers and others. The school, however, was so closely akin to the law school that it offered little more than a supplementary polish upon a strictly legal training. Moreover, there was not much encouragement to young men to educate themselves for our foreign service, so long as it offered no career whatsoever and appointments went exclusively by political preferment.

In order to meet the new conditions in our consular system and to respond to the demand for more thorough economic training, the College of Political Sciences was established at George Washington University in 1907, as the successor of the department above mentioned. The new College, which is modelled after the famous Paris school of the same name, provides undergraduate, as well as graduate, courses of study.

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The undergraduate course, leading to the degree of Bachelor of Arts, is open to those who have had the first two years of undergraduate work. Entering the College at the beginning of his junior year, the student selects his courses from the various sections: Political Sciences, International Law and Diplomacy, History and Economics and Sociology. He may also receive permission to take certain courses in the Academic Department of the University, particularly courses in the modern languages.

During the second year in the College—corresponding to the senior year of the Academic course—it is possible for the student to take advanced work which will be counted towards the degree of Master of Diplomacy, so that after obtaining his A.B. degree, but one year more will be required to take his professional degree of Master of Diplomacy. It is only exceptionally that graduates from other institutions will have had sufficient continued training in the Political Sciences to obtain this degree in less than two years.

The courses offered are intended to fit for the public service in general and cover a wide range of subjects. Among those which are adapted to prepare men for the Consular Service are: Commercial and Industrial Geography; Political Geography; Commercial Law; International Trade; Commercial Policies; Colonial Government and Administration; International Law; Organization of the Consular Service; and the functions, duties and methods of procedure of consular officers.

The new College of the Political Sciences also provides advanced courses of graduate and professional study, for which it confers the degrees of Master of Arts, Master of Diplomacy and Doctor of Philosophy. The faculty includes several men of national reputation. Among those who are giving instruction are Justices Harlan and Brewer of the Supreme Court of the United States, General Foster, formerly Secretary of State, and Mr. James Brown Scott, Solicitor of the Department of State. In recent letters expressing his interest in the new department of George Washington University, Secretary Root said:

"The National Government is making a strong and systematic effort now to limit appointments in the diplomatic and consular service to men of special fitness for such work. Of course that effort will be greatly promoted by having as many young men as possible educated and trained in the subjects with which such officers have to deal. The

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greater the class of trained men from whom we can draw for appointments in the foreign service, the more easily we can maintain a high standard in this service."

. . . . .

"I regard the kind of facilities which you are proposing to afford as of very high importance in the building up of a foreign service of a high standard, and I think it is fair to anticipate that, other things being equal, the men who avail themselves of such opportunities for preparation will inevitably receive the appointments, subject only to the limitations of number in the service and the geographical distribution among the States.

"Your proposal has the advantage of establishing a university relation between the proposed school and the other branches of university education, and this is something which I think is practically essential to the successful establishment of such a school."

Following the lead of George Washington University, several prominent institutions of learning have lately established similar courses for the training of men for the foreign service. In 1906, Yale and Columbia Universities jointly inaugurated a system of courses designed to prepare students for work in foreign countries, either in the service of the United States Government, in business enterprises, or as missionaries or scientific investigators. The length of the courses is three years in the case of candidates for the consular service, and two years for candidates for other foreign service. The prescribed courses for the consular certificate (signed by the Presidents of the two co-operating institutions) are as follows: two modern languages besides English, commercial geography, elementary statistics, trade statistics, commerce and commercial policy, elementary law, Roman law, commercial law, international law, history of diplomacy, and seven other courses to be elected with approval of the committee on instruction. A bewildering array of courses in modern languages is offered in this university system.

Since 1900 the University of Wisconsin has offered a four years' course in commerce, leading to the degree of Bachelor of Arts. The required studies—natural science, mathematics, English, foreign languages, history and economics—occupy nearly the whole of the student's time in the freshman and sophomore years; but during the last two years four groups of electives are available, viz.: banking and finance, transportation, manufacturing industries, agricultural industries and the consular service. The consular group covers the following special courses: colonial

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politics, contemporary international politics, history of diplomacy, international law, Federal administration, the consular service and a thesis. There were 225 students taking the course in commerce at Wisconsin in 1906.

The University of Illinois offers elaborate courses of training for business, extending over four years, and confers the degree of Bachelor of Arts on its graduates. The subjects of study furnish training for (1) general business, (2) commerce and the consular service, (3) banking, (4) transportation, (5) insurance, (6) municipal administration, and (7) journalistic work. The subjects studied in these courses are similar to those required in the institutions already mentioned.

The Wharton School of Finance and Commerce at the University of Pennsylvania now advertises to give special training for the public service. Although established in 1881, it does not enjoy the distinction of being the pioneer in this field of usefulness, for the reason that it made no attempt in this direction until recently, having hitherto confined its efforts to the education of men for business. In a recent statement in commendation of the College of the Political Sciences at Washington, Mr. Joseph Wharton, the founder of the school bearing his name, said:

> "Having long been of opinion that there ought to be somewhere in this country at least one institution where persons could be trained for our consular and diplomatic service, I had expected the 'Wharton School of Finance and Commerce' to set up a course of instruction on that line, but this has not yet been done nor even commenced."

The School gives a four years' course. The degree of Bachelor of Science in Economics is conferred upon its graduates.

The University of Nebraska offers a "commercial group" of studies especially adapted to "business, diplomatic, civil service and political careers."

The State University of Iowa established in 1900 a School of Political and Social Science, which offers a four years' course in commerce fairly well adapted for the training of men for public service. The same may be said of the course offered by the College of Commerce and Administration at the Chicago University, which confers the degree of Bachelor of Philosophy for four years' work.

In fact, throughout the United States schools of political science or commerce are being founded in connection with long-

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established colleges. In addition to those above mentioned, such schools, as more or less independent parts of the university system, now exist in the University of California, Dartmouth, the University of Indiana, the University of Kansas, the University of Michigan, the University of Missouri, New York University, the University of North Dakota, the University of Ohio, Ohio State University, Olivet College, the University of Oregon, the University of South Dakota, St. Louis University, the University of Utah, the University of Vermont, the University of Louisiana, and Washington and Lee University. In addition to this list, there are several institutions that offer systematic instruction in the political sciences, although the groups are not definitely segregated; these include Harvard, Cornell, Leland Stanford, the University of Minnesota and Northwestern University. At Harvard, the Division of History and Political Science is one of the seventeen divisions of the Faculty of Arts and Sciences. It comprises the departments of history and government, and economics. I understand, however, that Harvard is preparing to segregate the courses in political science and allied subjects, and combine them in a distinct school or college.

Mention should also be made in this connection of Harvard's new graduate school in Business Administration, which will open on October 1, 1908, under the direction of Professor Edwin F. Gay. It offers a two years' course and will confer the degree of Master in Business Administration. It requires for admission the degree of A.B. or B.S., and aims to establish business training on a professional basis. This will be in line with the educational trend throughout the country, and will bring Harvard's facilities in this increasingly important field into more prominence than hitherto.

Nothing in our national life is more significant of the influence of the utilitarian spirit than the increasing popularity of education in the political sciences and along business lines. This development is, in fact, a natural reflex of the great economic forces that have transformed the United States into the foremost industrial and commercial power in the world. The business world is daily becoming more complex and complicated, and a successful business career requires far wider knowledge and higher skill than formerly. Young men are becoming impatient at the

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idea of pursuing a college course of four years that offers little more than fundamental cultural courses. They seek practical preparation for a life career, and demand a curriculum that combines technical and information studies with those that are primarily intended for general culture and mental discipline. Indeed, the disciplinary value of the practical sciences is rated far higher than formerly. Accordingly, American educators who are progressive are wisely throwing traditions to the winds and adapting the machinery of their institutions to the new conditions. The numerous schools of commerce and the political sciences which have sprung up lately in every section of the country are designed to give students a knowledge of general principles, and to turn them into practical life while still young enough to retain the plasticity of character necessary to apply their knowledge intelligently and effectively to concrete cases.

As an evidence of the trend of the times, it is interesting to note that many of our educational institutions of high rank now permit candidates for the Bachelor of Arts degree to enter without any Latin or Greek at all, and to graduate without receiving the slightest instruction therein.

It has been suggested that the consular service is too limited a field numerically to justify the establishment of special courses of training at all, or even at many, of our great universities, since there are only 298 consuls-general and consuls, and original appointments are restricted to vacancies arising among 60 consuls at $2,500 and 46 consuls at $2,000, the higher places being filled exclusively by promotion. The relatively limited opportunities thus afforded cannot be denied. It must be remembered, however, that the training for the consular service is essentially practical, and even although a young man who has taken a four years' course at, say, the new College of the Political Sciences at Washington and received the degree of Bachelor of Arts, may fail to obtain the coveted consulship, he is infinitely better qualified to face the world than the graduate from the academic department of Yale, Harvard or Princeton, who emerges from the classic shades with a training that can rarely be utilized at once, excepting in poorly remunerated teaching, while, on the other hand, the political-science graduate is admirably equipped for a variety of practical avocations in the business world.

JOHN BALL OSBORNE.

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THE FLEET.

BY REAR-ADMIRAL S. B. LUCE, U. S. N. (RETIRED).

THAT the United States has taken a fresh departure from the erstwhile even tenor of her way is now acknowledged and acquiesced in. It is only by looking back a few short years that one can realize the great changes that have brought this country prominently before the notice of the world. The year 1898 has been called the year of Europe's discovery of America. The accession of colonies and of battleships was synchronous. Beginning in a quiet and unobtrusive way, this wide departure from a traditional policy that had come to be regarded by many as sacred attracted little attention. It requires no great discernment, now, to understand that both our colonial interests and our fighting ships will continue to increase until there will be an American colonial system and a fully organized fleet* commensurate with our territorial expansion and the development of our resources.

The colonies will need for their intelligent government a Colonial Secretary, who will be a member of the Cabinet; and the fleet will need intelligent government, not only to insure its efficiency, but to keep within reasonable bounds the great expense its maintenance entails: over one hundred million dollars a year. The question is—and it is a very grave one for the country—How is the efficiency of the fleet to be kept up, and an economical disposition of its funds insured? For the days of prodigal expenditures must soon end.

The wisdom of the framers of the Federal Constitution is not to be questioned; but, with all its advantages, the wide separation between the legislative and executive branches of the government

* The word "Fleet" is used here in its general sense to signify the total number of vessels of war available for active service. In England, "Fleet" and "Navy" are synonyms.

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has, in practice, certain disadvantages. This separation is not conducive to harmony. Indeed, it has led at various times to what has savored of hostility on questions vitally affecting the interests of the country. Mutual understanding on naval matters is wanting. It is undoubtedly true that Congress has been extremely liberal in its appropriations for the navy; but, as far as one can learn, this liberality has not been in accordance with any well-digested plan of naval development.

To the lay mind it would appear that herein lies one fruitful source of trouble; there seems to be no settled plan of naval development upon which the Executive and Congress can agree. Were such a plan to be matured, and accepted, both branches of the government could act in harmony on most matters concerning the navy. There is such a thing as a naval policy. The building up of a navy without a definite plan is like the directing of a number of artisans to build some houses without stating how many houses were required, of what material they were to be constructed, or for what purpose they were to be used. The naval policy of England, for example, is very simple. It is known as the "two-Power standard"—that is to say, the strength of the English navy must at all times be maintained at a strength equal to that of any two naval Powers that may be combined against it. In the House of Commons not long since, the Prime Minister was asked if it was the policy of the Government to make equality with the two next strongest fleets the standard of England's naval strength. The Prime Minister's answer was: "The present strength of the British navy is in excess of the two-Power standard." That is the naval policy, in a nutshell, of the greatest naval Power of the world.

In more specific terms, we find the First Lord of the Admiralty saying: "The test the Admiralty applied to naval efficiency and the standard they had set up for years past, as that which must be maintained, was that we must be strong enough in *battleships* alone to defeat any combination of any two Powers, and that we should have a margin over and above this, for contingencies, of some ten per cent. This was the minimum which they had considered safe. With respect to our cruiser power," he added, "we need, and must maintain, far more."

The word "efficiency" as used here refers to the strength of the line of battle.

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Naval Policy.—The expressions "Naval Policy" and "Naval Efficiency," it may be observed, have been used by certain writers as convertible terms. This has led to no little confusion of thought on naval matters. England's naval policy, as we have seen, is to maintain the two-Power standard; while the naval policy of France is to keep the main body of her fleet in the Mediterranean, for France applies the principles of the Monroe Doctrine to certain sections of the north of Africa. In the one case it is a question of the number of battleships of the first category; in the other the disposition made of those ships.

"Naval Efficiency" is construed by some authorities as meaning the number of battleships available for war, as in the case just quoted from the speech of the First Lord of the Admiralty; by others again as the normal state of discipline of the fleet, and the judicious use made of it. There have been fleets powerful in numbers of ships and guns, manned by a personnel of good fighting material, and yet wholly inefficient for purposes of war. Mere numbers do not constitute efficiency. To the unskilled, excess of numbers means discomfiture.

From the English we get the very expressive term "fighting efficiency." Thus, in "A Statement of Admiralty Policy," we gather from the Navy Estimates Committee that the following considerations obtained: "first, the whole object of the Navy Estimates is to secure the fighting efficiency of the Fleet and its instant readiness for War; secondly, the least amount [of money] compatible with that end."

The Hon. Joseph G. Cannon, Speaker of the House of Representatives, is represented in an alleged interview as saying: "Our navy will be of no benefit to us unless the men know how to handle the ships, and how to work the guns. Efficiency is more important than any other consideration, and it can be gained only through practice. I feel there is a strong sentiment throughout the country in favor of maintaining an efficient navy, and, as I said before, *efficiency is more important than size.*" These words are the words of wisdom.

Efficiency is the power to accomplish a desired end: the possessing of adequate skill for the performance of a duty. "The swordfish can kill the whale," said an American gentleman when asked, in 1894, of the probable outcome of the War then imminent between China and Japan.

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Naval policy, in its broadest sense, comprehends Statesmanship. It is the relative rank, as a naval Power, which the State aims to assume and maintain in the family of nations. It includes: first, the creation of a floating force adequate to make good its pretensions; and, secondly, the ability to use that force effectively—in brief, the weapon and the skill to wield it.

Despite its alleged structural defects, no American can have looked upon the fleet of battleships now circumnavigating the globe without a feeling of pride. The Navy Department is certainly entitled to credit for this imposing display of sea power. But the credit must be shared by others—it must be shared with the iron and steel industries of the country and by the great ship-building plants now in operation.

To the Navy Department alone belongs the credit of initiating the movement which has led to this result—a movement which has given the country for the first time in its history a fleet in the true technical sense.

The genesis of what is called the "new navy" was in 1881. In that year the first Advisory Board convened by the Secretary of the Navy, the Hon. W. H. Hunt, recommended the building of steel ships on the ground "that such a step would give an impetus to the steel industries of the country." That end has been accomplished far beyond what the most fervid imagination could have pictured; and it is largely to those same steel and ship-building industries that we are indebted for the formidable line of battle we now have. Taken together they have trained up a body of skilled artisans which it would be difficult to duplicate in any part of the world. Congress is wise and far-seeing in providing them with work.

By what means soever the fleet has been brought into being, its existence is an established fact, and its continued growth is assured. The weapon has been forged. Where is the hand to wield it? Where is the power to insure efficiency? These are very present questions, and call for intelligent answers.

As to Naval Efficiency.—In a speech delivered on June 22nd, 1905, President Roosevelt is reported to have declared that he would give up the Monroe Doctrine and the Panama Canal, rather than refuse the means which can alone render our attitude as a nation worthy the respect of mankind. "Therefore," he added, "keep on building [battleships] and maintaining at

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the highest point of efficiency the United States Navy, or quit trying to be a big nation." That, in brief, is the President's Naval Policy. It includes the power, coupled with the ability to wield that power effectively.

The building programme of Congress has supplied the power. It only remains to consider the question of efficiency—the consummate ability to wield that power. The duty of devising measures for securing naval efficiency rests, under wise laws, exclusively with the Executive. This all-important factor of Naval Policy the President must, perforce, leave to his Secretary of the Navy. The latter, a civilian, well versed in public affairs, but unfamiliar with naval or military arts, must in turn defer to his advisers in the Navy Department. The Secretary on assuming office finds himself associated with a civilian Assistant Secretary and eight "admirals," so called,* each one of the latter presiding over one of the eight Bureaus of which the Navy Department is composed. Five of these admirals belong, singular to say, to the non-combatant class, and three of them to the combatant class.† The five non-combatant admirals naturally regard questions of naval efficiency from the non-military point of view: the admirals of the combatant class from the military point of view. Moreover, each of the offices over which these admirals preside — combatant and non-combatant alike — belongs to the civil branch of the Department, and have to do with material and finance. It does not take long for the Secretary of the Navy on assuming office to discover that naval efficiency is a very broad and comprehensive subject, and one which belongs exclusively to the military side of his office. With this discovery is revealed the fact that the military side of his office does not exist. There is no such thing. This fact, taken in conjunction with the fact just stated, that there is a radical and irreconcilable

* Section 7 of the Personnel Act of March 3, 1899, prohibits the changing of titles of officers.

† The Act of July 5th, 1862, provided that the Chiefs of four of the Bureaus should be appointed from the list of officers of the Navy not below the rank of commander. This gave the advisers of the Secretary the Chiefs of four line Bureaus and the Chiefs of four staff Bureaus. As this equal division did not accord with the views of the civics, a clause was introduced in the naval appropriation bill of June 29th, 1906, providing "that the Chief of the Bureau of Yards and Docks (which, by the Act of '62, had been assigned to a line officer) shall be selected from the members of the corps of Civil Engineers of the Navy, having not less than seven years' active service." This gave the non-combatants a majority.

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difference of opinion on the part of his advisers on vital questions affecting naval efficiency, would, in time of war, leave the Secretary of the Navy in an unenviable position. Divided counsels are fatal to military operations.

A navy that requires time for preparation after war has been declared is far from being in an efficient condition. On February 5th, 1904, Japan severed diplomatic relations with Russia, and at midnight of the 8th Port Arthur was startled from its slumbers by the guns of the Japanese fleet. It was a complete surprise. Three days after the diplomatic rupture Japan struck the first blow at Port Arthur and Chemulpo. There was no such trifling as is said to have occurred at Fontenoy: "Fire first, gentlemen," about the military movements of the Japanese. They knew the great moral and military advantages of taking the offensive, and they assumed it at once and effectually.* But they were enabled to do so only by a long and thorough course of preparation during peace. So much for the readiness to strike. The point where the first blow is to fall can be determined best by those who have made such questions the subject of careful study, undisturbed by administrative duties. There must be no mistake as to the true objective. To be master of the situation at the outset may prevent a war. Some of the most important strategic moves are those made during peace.

It may be stated right here once for all, without circumlocution, that naval efficiency, in its true sense, is unattainable under our present form of naval administration. It is far better that the people should know this in order that the responsibility may be placed where it belongs. The truth of this statement we now purpose showing.

How the American method of governing the fleet, a purely military organization, works in practice may be illustrated by examples taken from official documents of recent date, documents which are easily accessible to all the world.

The President, recognizing the inherent defects in the constitution of the Navy Department, knowing that the efficiency he has so much at heart is not attainable under existing conditions, urged Congress to amend the law under which the Navy De-

* Compare the prompt action of the Japanese with ours when we left it to a British Colonial Governor to "request" Commodore Dewey to leave Hongkong, April 24th, 1898. (See Naval Administration II, pages 848-9, Proceedings Naval Institute.)

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partment is organized with a special view to increasing the efficiency of the navy. In his message to Congress of December, 1903, Mr. Roosevelt said: "We need the establishment, by law, of a body of trained officers who shall exercise a systematic control of the military affairs of the navy, and be the authorized advisers of the Secretary concerning it." In order to carry out the views of the President, the Secretary of the Navy prepared and presented to the Naval Committee of the House *"a bill to increase the efficiency of the Navy,"* the object of which was to legalize the General Board. In presenting the bill to the Naval Committee of the House, its adoption, by Congress, was ably advocated in person by the Secretary of the Navy, the Hon. William H. Moody. He was followed by the Admiral of the Navy (Admiral Dewey) and by the Chiefs of three Bureaus representing the combatant class of the Department. Secretary Moody's presentation of the case, on the part of the administration, was lucid, logical and learned, leaving absolutely nothing to be said in advocacy of the President's plea for naval efficiency. But the majority of the Secretary's advisers—the non-combatant admirals—would not have it. The bill was vehemently opposed by the non-combatants, represented by the Assistant Secretary of the Navy of that day, and the Chiefs of what are known in the navy as the five Staff Bureaus.* As the bill has never been heard of since it was presented to the Naval Committee on April 11th, 1904, it is natural to suppose that it received its quietus then and there.†

The motives of the Committee in thus turning down the General Board are not open to question. But, as the record stands, it would appear, to the world at large, that the Chiefs of the five Staff Bureaus had influence enough to defeat an urgent measure of the administration to increase the efficiency of the navy.

In plain terms, the President was defeated by Bureaucracy. This was the literal fulfilment of a prophecy. During the "Investigation of the Navy Department" in 1875-6, Commodore D. McN. Fairfax, U. S. N., stated, in his testimony before the House

* The Chief of Bureau of Supplies and Accounts publicly criticised the President's plea for naval efficiency. (See "Army and Navy Journal," January 30th, 1904.) This flagrant violation of Navy Regulations seems to have elicited no comment.

† Those interested in this subject should read "Hearing before the Committee on Naval Affairs, House of Representatives, April 11th, 1904, on 'A Bill (H. R. 15403) to increase the efficiency of the Navy.'"

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Naval Committee, that "the Bureau system was gradually undermining the discipline of the Navy Department and must sooner or later be changed." The time for the change has arrived. "If a house be divided against itself that house cannot stand."

True, the General Board continues a potentiality, but this is due to the President and not to Congress. The General Board was established by the Navy Department, General Order No. 544, March 13th, 1900, which order was embodied in the Navy Regulations of 1905, thus giving it for the time being the force of law (Sec. 1547 R. S.). But as it is competent for some administration of the future to rescind this order and delete it from the Navy Regulations, it is obvious that the character of the General Board lacks the quality of permanence which statute law alone can give. To insure this permanency of character was the request preferred by the President, as we have seen; a request to which the House Naval Committee declined to accede.

Some Functions of the General Board.—The General Board represents the military element of naval administration—hitherto wanting—as distinct from the civil branch represented by the eight Bureaus. It is the legitimate Council of War of the civilian Secretary of the Navy on all matters pertaining to war and to the preparation for war.

When the Spanish War broke out, it was seen at once that, to meet a foreign naval Power on the ocean, further trifling with our radically defective system of naval administration must cease at once. One of the first steps, therefore, in this direction was the convening of a Naval War Board, a body separate and distinct from the Bureaus, but in close touch with the office of the Secretary of the Navy. To this Board was intrusted the very responsible duty of a careful study of the whole theatre of the war, and of watching closely the movements of the enemy's fleet, squadrons or single cruisers, as far as could be done by means of the reports which were constantly reaching the Department, day and night, by wire or mail. These reports, sometimes of a conflicting nature, had to be carefully sifted, differences reconciled, and the real designs of the enemy penetrated as far as possible. The questions arose: "What was the objective of Cervera's fleet?" and, after the battle of Manila Bay, May 1st, 1898, and the destruction of the Spanish squadron, "What would be Spain's

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next move in that direction?" These were questions the members of the War Board were obliged to study carefully and to answer out of their knowledge of naval strategy. As a result of these studies, the Naval War Board was enabled to keep the Secretary of the Navy fully informed, at all times, of the movements of the enemy, and to place before him recommendations for such counter movements of our own forces as the conditions, varying from day to day and even from hour to hour, required. Incredible as it may appear, these highly important military duties had not been provided for in our scheme of naval organization. It will be seen from this that the Naval War Board was not of the nature of an advisory board, as that term is understood in the Navy. It had higher, and vastly more responsible, functions. The transactions of the War Board cover 860 typewritten pages of copies of communications sent and received. This was departmental duty performed mainly by officers having no part in the organization of the Department; hence its extra-legal character. The nature of the War Board and the necessity for its existence are so clearly set forth by Secretary Moody in his testimony before the House Naval Committee, on April 11th, 1904, as to leave little to be said.

On the conclusion of the war with Spain, the Naval War Board, through some singular misconception, was dissolved. But it had proved itself so indispensable as a part of the organization of the Navy Department that the Secretary of the Navy issued General Order No. 544 with a view to its permanent establishment under the title of the "General Board."

Once more the President essayed to induce Congress to increase the efficiency of the Navy. In his special message to Congress of December 17th, 1906, on the Personnel of the Navy, Mr. Roosevelt made certain specific recommendations, failure to adopt which, "by judicious legislation, the future of our Navy will be gravely compromised." "In my last three annual messages I have invited the attention of Congress to the urgent necessity of such legislation . . ." but the Commander-in-Chief of the Navy did not take into the account the deep-seated defection in the ranks of his own immediate command, in his own official family, as it were. The Personnel Bill, so earnestly advocated by the administration, was strangled in its birth. Congress has thus, through its House Naval Committee, put itself on record

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as opposing measures which have for their object the increasing of the efficiency of the Navy. It is clear that the views of the administration on naval affairs carry little weight with the Naval Committees of the two houses of Congress. There is a good reason for this. The Navy Department is divided against itself, and the majority of the Secretary's Colleagues * are opposed to any change in the present method of administering the affairs of the Navy. Congress has endowed them with great powers, and it is only natural that they should exert those powers to protect their vested rights—rights which must be safeguarded though the heavens fall.

As political power goes with the control and expenditure of the revenues of the State, so power, patronage and influence go with the expenditure, with limited accountability, of considerably over one hundred million dollars a year by the Chiefs of the eight Naval Bureaus. This explains why a Chief of Bureau has in certain directions, far more influence than the responsible head of the Department—the Secretary of the Navy himself. It is scarcely necessary to say that in this discussion of the business methods of the Department, not the slightest reflection is intended to be cast, either directly or by implication, upon the high character and strict integrity of the Chiefs of the several Bureaus. We sincerely trust that goes without saying. One may be permitted to criticise a system without impugning the high character of the components of that system—the Bureaus.

It will be seen from the foregoing that the navy, a distinctively military body, is governed, practically, by an oligarchy of non-military men. To govern, in its original sense, means to pilot or to steer. Hence we are led to conclude that our fleet is piloted or steered by "admirals," who belong neither to the military nor to the seaman class. This method of governing a navy is saved from being preposterous only because of the fiction that it is in accordance with the will of the people, as expressed through their representatives in Congress. Mr. Secretary Bonaparte acted wisely in recommending, as he did in effect, the total abolition of this archaic and demoralizing form of naval government by Bureaus. Put none but militant seamen at the helm.

* The Secretary's Colleagues.—This is the only Executive Department where the law places the Secretary and his associates in office on an equal footing.

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Bureaucracy.—"My experience during the past year," declared Secretary Bonaparte, in his annual report of November 28th, 1906, "has greatly strengthened my belief, as expressed in the last annual report of the Department, that the system of autonomous Bureaus is open to very grave theoretical objections; and that only the very high character of the personnel employed in these Bureaus . . . prevents these theoretical objections from seriously affecting the *efficiency* and *economy* of the Department's work. It seems to me, therefore, desirable *that a very radical and thoroughgoing change should be made in the organization of the Department.*" He then outlines a plan (the appointment of a commission on the Navy Department) which, he says, appears to afford a reasonable promise of satisfactory results and which in effect would, as already observed, abolish the present archaic system of trying to govern the navy by Bureaus.

Secretary Bonaparte's diagnosis of the case was perfectly correct. His prescription—a commission to examine into, and report upon, the whole subject of naval administration, pointing out the defects of the present system, and suggesting the remedy therefor, would result in immediate relief at the hands of Congress. There can be little doubt of that. To insure intelligent legislation Congress must have bed-rock facts to go upon; and those facts can be ascertained and formulated best by a board of experts appointed for the purpose. Such is the disease which afflicts the Navy to-day and its remedy.

Bureaucracy aims exclusively at augmenting its own official powers at the expense of more extended interests. It is characterized, asserts one authority, "by the inefficient and obstructive performance of duty through minute subdivisions of functions, by inflexible formality and pride of place." A Bureaucrat is defined as "an official who endeavors to concentrate administrative powers in his own bureau."

All the privations and suffering of the English Army in the Crimean War, through lack of provisions and clothing, resulting in the loss of thousands of lives, was due directly to army bureaucracy; and English army bureaucracy repeated its mismanagement fifty years later in the Boer War. Bureaucracy greatly damaged our own military prestige during the war with Spain, and might have been fatal to the navy but for the timely advent of the Naval War Board. It was Russian bureaucracy, not Togo,

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that defeated Rodjestvensky in the Sea of Japan. Togo simply gave the *coup de grâce*. Villeneuve, Du Pont, Cervera and Rodjestvensky, each in turn, was the victim of inefficient naval administration. Is there a demand for another American victim? Said Premier Stolypin: "My hope and purpose are, with the aid of the Duma, to get rid of the bureaucratic system. Such is the Emperor's firm and unshakable will." Bureaucracy defeated President Roosevelt in his efforts to promote naval efficiency in 1904; and Bureaucracy dominates the Navy of the United States to-day. Let this truth be pondered by that portion of an irresponsible press that so airily fans the flame of enmity between this country and our good friend, Japan.

A decision of the United States Supreme Court defining the administrative authority of the Secretary of the Navy sanctioned the exercise by the Secretary, of the military functions of the President, as Commander-in-Chief of the Navy. The principle enunciated in that decision has been applied to the relations sustained by the Chiefs of the several Bureaus to the Secretary and through him to the President. Thus the Chiefs of the several Bureaus have become the representatives of the Commander-in-Chief of the Navy, and clothed with all his authority touching the affairs of their respective Bureaus. Their orders must be respected and obeyed as the orders of the Commander-in-Chief. The Act of August 31st, 1842, makes this very clear. It declares explicitly that "the orders of a Chief of Bureau shall be considered as emanating from the Secretary himself, and shall have full force and effect as such." But, as the orders of the Secretary are to be regarded as the orders of the President, it is plain that the orders of a Chief of Bureau must also be regarded as the orders of the President. This makes practically nine Secretaries of the Navy, with power in their respective spheres, equal to those of the constitutional Commander-in-Chief. All the evils of bureaucracy are thus aggravated by the law which put it in operation. Sixty-five years' experience and the testimony of numerous Secretaries of the Navy show conclusively that this unbusiness-like system is conducive neither to efficiency nor to economy, but the very reverse. It insures the greatest amount of extravagance with the least amount of accountability, and is fatal to efficiency.

While we are vainly struggling to increase the efficiency of the

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navy, Germany continues building big ships according to a carefully matured plan. She remembers that the Hague Peace Conference of 1899 was the precursor of a great war. In her next conflict she does not purpose being found wanting either in ships or in naval efficiency. Japan indulges in no idle dreams of universal peace, or Utopian restrictions of sea power. In the late war she demonstrated to all the world the absolute necessity of an efficient naval administration, without which naval efficiency is absolutely impossible. This she devised and perfected long in advance of the collision she saw to be inevitable. Russia, also, taught us the equally valuable lesson that naval efficiency does not consist in the number of ships alone. The battle is not always to the strong. Strength, to be effective, needs intelligent direction.

Fortunately, Congress has authorized the building of two more 20,000-ton battleships, coupled with the assurance of a continuous building programme. But on the vital question of naval government—the power to handle the forged weapon, the means of insuring naval efficiency—it is the purpose of the oligarchy which shapes the conduct of our naval affairs to maintain the *status quo*.

It is now the naval oligarchy *versus* the people. The question of the hour is: Which shall prevail?

S. B. Luce.

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THE PERIL OF ANTI-INJUNCTION LEGISLATION.

BY HENRY HARRISON LEWIS.

It would be absurd to assert that the entire economic prosperity of the country now depends upon the passage or non-passage of anti-injunction legislation, but there is no doubting the grave peril to our industries and, in fact, to our national welfare which would result from the enactment of any anti-injunction bill based upon the promises of either political party. This peril does not threaten the laboring interests alone. The menace is to the manufacturing classes and to those who employ bodies of men, and the danger reaches almost directly the public at large, the ordinary citizen, the consumer, the housewife and the family.

The history of labor disturbances in this country shows that three distinct classes are always involved or affected. Whether the disturbance is inaugurated by employer or employee, the fact remains that the third party, the general public, comes in for its loss and its share of discomfort and misery. The great railway strikes—interstate, local or street railways—invariably have resulted in serious annoyance, if not positive loss, to the ninety-and-nine citizens who have no direct interest in the controversy.

The loss and annoyance, generally resulting from the disturbance to traffic, are not lasting, but the suffering caused by such strikes to the families of the working-men themselves goes far beyond this. It is estimated that the five great strikes of the past decade practically swept away ninety-six per cent. of the savings of the laboring classes involved.

Beyond this, however, we have the enormous damage to property resulting from strikes, a loss estimated almost in the hundreds of millions, and the incalculable loss due to a retarding of industrial output. It is not necessary to quote statistics; the

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general reading public is familiar with the blighting effect of labor disturbances. And it is understood that such losses and damages to capital, labor and to the public resulting from strikes have occurred under existing laws.

The purpose of this article is to show that what is popularly known as anti-injunction legislation as demanded by organized labor will, if enacted, increase a thousandfold the possibility of loss and damage—not only to vested property rights, but in no less degree to labor itself and to the individual citizen.

The average man might readily infer, from the clamorous denunciation of "government by injunction," that the Federal courts do little but issue injunctions in labor disputes. One would imagine their approaches crowded with jostling employers, petition in hand, the judge distributing restraining orders as a bill-boy scatters circulars. But, with the record spread open, before we consider how frequently the writ issues, let us pause to ask ourselves what it is. The writ of injunction is an extraordinary remedy. It does not issue with the frequency of a summons or subpœna. It is an order of a court of competent jurisdiction generally prohibiting the doing of certain things, but sometimes assuming a mandatory form to require the doing of others. It proceeds from an equity tribunal, whose chief function is to prevent the doing of wrong, an office in which it is distinguished from courts of law, whose purpose is to compel compensation after harm has been inflicted; and, since the very essence of equity power exercised through this writ is prevention rather than cure, it acts upon the presentation of allegation of fact, supported by affidavits and such other evidence as it may require, to prevent not merely future irreparable injury, but that which is immediately present and threatening, and might either destroy or impair the subject-matter of controversy before the court could adjudicate upon it, or would work irremediable harm while the plaintiff was proving the danger of his position. As it is in the office of a court of law to hear and give judgment in compensation for injury suffered in the past, so it is in the very nature and purpose of an equity court to interpose its arm to prevent the commission of an injury immediately menacing, and for which law courts can provide neither adequate protection nor adequate compensation.

The injunction law, as it now stands on the statute-books, per-

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mits the issuance of an injunction or restraining order by any properly authorized judge, at the request of any one whose rights are in danger. In labor cases, it is generally requested against the exercise of the boycott, or at times when violence is threatened, or damage to property or to life is imminent. The most important effect has been in connection with the boycott. This degree of importance comes from the fact that the boycott is regarded by organized labor as its most potent weapon against the employer, and by the employer as most drastic and damaging to property rights and to business.

During the past year, two important boycott cases—that of the Bucks Stove and Range Company, and that of the Loewe (Danbury) Hat concern—have been fought out in the courts. Permanent injunctions against a continuance of the boycott were secured in both cases, greatly to the dismay and discouragement of organized labor. The loss of these two cases has resulted in a most determined effort, on the part of organized labor, to have legislation enacted which will practically nullify the power of the injunction or at least make the injunction far more difficult to secure.

During the past session of Congress, twenty-two bills were introduced providing for a modifying of existing injunction laws. Several of these bills, notably the Pearre Bill, were strongly urged by labor and strongly combated by the employing interests. Congress adjourned without enacting any of them.

So earnest and emphatic have been the demands of organized labor for anti-injunction legislation that the highest executive official of the nation finally became involved in the controversy, as well as several important industrial and civic bodies.

For more than two years, the President in his messages to Congress has iterated and reiterated his belief that there has been a continuous improper and oppressive use of the writ of injunction in labor disputes by courts of the United States. Summing up these serious statements, he declared in his special message of April 27th, 1908:

"First as to the power of injunction and of punishment for contempt. In contempt cases, save where immediate action is imperative, the trial should be before another judge. As regards injunctions, some such legislation as that I have previously recommended should be enacted. Those in whose judgment we have most right to trust are of the opinion that, while much of the complaint against the use of the injunction is unwar-

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ranted, yet that it is unquestionably true that, in a number of cases, this power has been used to the grave injury of the rights of laboring men. I ask that it be limited in some such way as that I have already pointed out in my previous messages, for the very reason that I do not wish to see an embittered effort made to destroy it."

In his message transmitted to Congress at the beginning of the last session, the President made the following serious charge:

"Instances of abuse in the granting of injunctions in labor disputes continue to occur."

There is no mistaking the meaning and gravity of these statements made officially in public documents by the President of the United States. Plainly and frankly, they imply a condition abhorrent to every American citizen. Our laws have been made for the benefit of all alike, irrespective of color, creed or politics.

A foreigner reading this note of warning in a public document, such as the President's Annual Message, could obtain only one impression, that our just laws are being used unjustly, and that our courts are discriminating between classes. Any citizen of the country would receive a similar impression.

Let us inquire upon what facts these grave reflections are predicated. It would seem that the President must possess facts to verify these declarations, but he has not supplied them to Congress, as at other times and in other cases he has offered evidence to substantiate the wisdom of his recommendations. Do those to whose protests he alludes offer proof of the numerous abuses to which they complain they have been subjected? We have heard the indictment, let us examine the evidence.

The accusation implied finally received the attention of a member of the House Committee on the Judiciary, the Hon. Charles E. Littlefield. It was extremely fitting that a representative of that particular legislative Committee should take up the question, because the accusation was directed against the judiciary.

Mr. Littlefield requested Mr. James A. Emery, an attorney for the National Association of Manufacturers, who with James W. Van Cleave, President of the Association, was directly interested in such legislation, to make a careful examination of the "Federal Reporter" since January 1st, 1893, for the purpose of ascertaining how many injunctions of all kinds have been issued by the Federal courts since that date. This investigation disclosed that, in all, there have been 328 injunctions, only twenty of these

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involving labor controversies. In five of these twenty, there were notice and hearing before the order was issued, leaving only fifteen since January 1st, 1893, up to date, issued without notice or hearing. The results of the investigation show further that there is absolutely nothing in the records to indicate that any of them were excessive or oppressive in their scope, or that they were not fully justified by the facts presented to the court.

In presenting his report, Mr. Emery makes the following decisive analysis of a number of restraining orders, injunctions and decisions filed with the Judiciary Committee of the House by the President of the American Federation of Labor:

"These acts of the courts cover a period of approximately fifteen years. Your counsel has given them careful examination, finding among them eighteen injunction cases, in fifteen of which *ex parte* restraining orders were issued, seven of which were not contested, and could not therefore be said to be objectionable; two were dissolved on hearing, one has not yet been heard owing to continuances at the request of the defendants; and the remainder, with one exception, were continued in force after hearing and argument, and only one injunction, during fifteen years of judicial action, was modified by a higher court. No other department of litigation can present so remarkable a record of freedom from judicial error. Confirming the injustice and inaccuracy of recent criticism, Mr. Townsend, of Michigan, leading the movement to reform the abuse of the injunction, admits, in a public statement recently made to his local press, that he cannot find 'one case' where the writ has been 'improperly issued.'"

Summing up the results of the entire investigation of official court records, Mr. Littlefield solemnly declared on the floor of the House of Representatives:

"Under these circumstances, I do not hesitate to say that the Committee cannot itself perceive that there have been instances of abuse in the granting of injunctions. I submit, with entire confidence, that it seems to me that when we have called upon the attorney for the American Federation of Labor for instances and specifications, and he fails to furnish them; when we have called upon the head of the organization itself for the same information, and he furnishes information without calling attention to any criticism; when we have made a thorough and exhaustive investigation of the reported decisions of the courts; when we have applied to the Department of Justice and ascertained that they have no information in relation thereto; when the gentleman from Michigan has made his independent and disinterested search and found nothing; when the Supreme Court, though not referring specifically to labor controversies, says that the judges have exercised due care; and when there has never been, from any quarter, prior to the letter of the

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President, the slightest intimation upon the part of men representing the labor organizations that any abuse of the writ of injunction amounting to a high crime and a misdemeanor has ever been committed—and I think it is hardly necessary to suggest that the gentlemen who appeared before our Committee for the promotion of legislation of that character have never been backward in their assaults upon the judiciary—it appears that we have, with reasonable diligence at least, exhausted every available source of inquiry. I feel certain that the President has been deliberately misinformed as to the facts as they exist in connection with this question, because, in my judgment, there are no facts that warrant the suggestion or the intimation, at least since 1893, that a single judge, anywhere, at any time, in any place, under any stress, has been guilty of any abuse of the judicial power in issuing either a temporary restraining order or a preliminary injunction."

Not only has the endeavor been made to prevent the issuance of an injunctive writ until the wrong threatened has been inflicted, but it has been suggested and recommended by the Chief Executive of the nation that the judge who issues an injunction shall not try the violator of his order; that the court commanding shall be deprived of the power to enforce obedience; that he who is the last protection of property and personal rights shall leave to another court the vindication and protection of the judicial power reposed in him.

The purpose aimed at in the attempt to restrict the issuance of injunctions has, usually speaking, been expressed in general terms, but in the Beveridge Bill, for example, the requirements of notice and hearing applied only to cases involving controversies between employer and employee. The mere statement of the proposition involved refutes it. Such a measure would declare to the courts of the United States: "We do not question your right or duty to issue an injunction for the protection of property rights against irreparable damage in the absence of an adequate remedy at law; but we do say to you that the same property rights are not to be equally protected by the same court against all forms of attack."

Thus, if property or property rights be threatened in a dispute over a patent, by unfair competition, by the negotiation of securities fraudulently obtained, an injunction must issue. If the stability of your walls is threatened, if one asserting title to a portion of their support undermines them, if a nuisance threatens your health, impairs or obstructs the highways, the writ must issue; but if the manufacture of your patent, the same building, the same business, the same property right elsewhere protected be,

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in the course of an industrial dispute, threatened with damage and destruction by men who declare that you may not operate your factory, execute your business or exercise your rights unless first you accept the industrial conditions under which they demand you shall operate, then these identical property rights, protected against every other form of attack by every court of the United States, shall not be protected until the parties menacing, attacking and destroying your property and preventing the exercise of your rights, shall first have notice of your intention to demand the protection of a court.

This, then, seems to be the issue confronting us. Both political parties have approached the subject and, under stress of a great political campaign, have gravely considered a change in the law which now offers to capital and labor, to man and woman and child, the sane protection of a judiciary which never before, in the long and honorable history of our country, has been questioned.

HENRY HARRISON LEWIS.

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WOMAN IN THE ITALIAN NOVEL.

BY JOSEPH SPENCER KENNARD, LL.D.

LESS than half a century ago, there were many Italian peoples, but there was no Italian Nation. Out of these petty duchies, kingdoms and states, the ideals of unity and liberty have made the constitutional Kingdom of Italy. Essential differences distinguished the Roman from the Lombard, the Venetian from the Sicilian; and these social, lingual, intellectual and temperamental differences were not obliterated by a stroke of the pen, as the petty political divisions were swept away by a decree. Much, indeed, yet remains to be accomplished; but to-day the whole Italian peninsula is inhabited by one Italian Nation.

Doubtless because of these diversities, the words "Italian woman" do not evoke one clearly outlined figure, though they do suggest a vision of indefinite beauty.

If, indeed, even now, there exists a true "Italian Type" of woman, blossoming from an ancient stock, in a nation new-born, its presentation will be a genuine contribution to "feminism" and a valuable study in social evolution. Especially valuable because the phenomena of Italian feminine development and adaptation epitomizes the story of other slower national evolutions and indicates the direction of certain world-wide currents.

Not only are Italian women everywhere aspiring after better education and seeking for larger personal independence, but, as the pursuit of these aims has established a closer affinity between women's organizations, Italian women have discovered many unsuspected resemblances, which, in the aggregate, make up the "Italian Type"—a type whose psychological and social aspects will be best revealed through the Italian novel, if that novel satisfies Taine's luminous definition, "*Le Roman est la confession d'une société*"; because this "confession," besides avowedly and

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purposely presenting facts, describing customs, painting portraits and landscapes, also unmasks the feminine soul. For the most sincere confession will disclose emotions unsuspected even by the penitent. There is eloquence in omission, and reticence may be as instructive as speech.

How true this is of the Italian novelists! How much they write about their countrywomen! But how much there is which they neither say nor comprehend! D'Annunzio's romances are masterpieces of suggestive poetry; Fogazzaro's novels are philosophic studies; hundreds of Italian novels supply valuable information on many subjects; yet how often do these writers imperfectly understand feminine psychology!

And—fact significant—the more these novels are untrue to the soul of the Italian woman, the more often are they characteristic of Italian life. For the Italian rarely studies, or cares for, the psyche of his women. Except for gallantry, the sexes keep much apart. Few men confide in the women they most love and honor; few consent to accept advice from them, and scarcely one will willingly grant them authority.

Of that close communion, that perfect confidence, which should begin with a mother's kiss to her babe new-born, and continue to son, brother, husband; vivifying and ennobling, comforting and supporting all along life's rugged path, even attending the old man to his final rest, there is a singular lack among Italians. The Catholic Church is partly responsible for this. Despite the exaltation of The Virgin, woman's inferiority and the debasing nature of her influence are preached. It is a corollary to the exaltation of celibacy and to the teaching that sexual love is degrading and that the flesh wars against the spirit. Immorality is not checked by such teaching, but tenderness is blunted and respect for woman is lessened. The struggle for bread has also brought the sexes into conflict. Everywhere, woman now competes with man. If masculine opposition is fierce and pitiless, Amazonian invasion is bold and eager. Poverty among the Italian masses and failure to recognize that the success of the woman does not necessarily imply the defeat of the man, have accentuated this antagonism.

The moral avarice of the primitive male savage still poisons Italian social intercourse. There are still retrograde spirits that feel as a loss to one sex every advantage obtained by the other.

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All that the Italian woman has gained, she has obtained by her own unaided efforts. No one has smoothed the rough way for her; no one has cheered her victories or applauded her bravery. Patient, long-suffering and unpresuming, she has availed herself of every opportunity, and made marvellous progress in the development of her own personality and as a factor in the social economy. The Italian novel, being the reflection of Italian society, has participated in this misconception, which is the capital failing in much otherwise praiseworthy fiction.

Of twin birth with the national ideal of a free and united Italy, the Italian romance echoed the first heart-beat of classic patriotism. It sang the passionate aspirations of those romantic heroes, and played an important part in the general revolt against foreign oppression. This first and heroic period of novel-writing produced several historic romances, and one of them was a masterpiece; but in all their pages there is not one great feminine character. Foscolo's Teresa is but the mirror of passionate Jacopo Ortis, and Manzoni's religious scruples, compelling him to omit from his novel all love-passages, have resulted in shadowy profiles instead of achieved types of womanhood. Manzoni's imitators have crowded their books with unreal heroines of foreign pattern, in no wise resembling the typical Italian woman who was then awakening from centennial apathy and earnestly desirous of sharing in the common danger and common responsibility.

Not until the end of this patriotic and sentimental period,—in 1859, when Ippolito Nievo produced his "Memoirs of an Octogenarian,"—do we have lifelike feminine portrayal in an Italian novel. Pisana, the best of these characters, is the typical romantic heroine. With characteristic passionate impulse, recklessness and generosity, she lacks moral principle, is an unbridled coquette and sentimentalist. Her every act and word is consistent with her surroundings; yet she lives, her heart-throbs are real and she possesses a distinct individuality. Like all vital creatures, she suggests a whole series of complementary ideas, which arouse the reader's criticism and perplex his judgment. When her generosity becomes folly, when her passion passes into immorality, when she lies and plots, when she demeans herself to an inexcusable sacrifice, there is no recognized standard of propriety by which such a nature can be measured. Pisana is a law unto herself, as must be every imperial personality.

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Underlying all the romantic atmosphere,—so characteristic of the literary moment,—there is a deeply observed evolution of one woman's soul. The startling events of the story are logical, if considered as mile-stones in Pisana's development. Even her adventures and intrigues are the blind strivings of a soul urged onward by the thirst for self-sacrifice, and an unsatiated craving for love, for love which finally becomes redemption. So true is this character of Pisana, that the modern reader, trained in psychological analysis, better appreciates it than did Nievo's contemporaries. Half a century of enlightened criticism has sifted the priceless ore from its encumbering romantic rubbish.

Only fifteen years separate Nievo's picture from the first efforts of the Italian realist school. Yet that short interval marks an important change in Italian life and thought. To a period of enthusiasm and heroism succeeded the despondency that so often follows the realization of a dream. The cold light of sordid achievement dimmed the lustre of bright expectation. Poverty, and the limitations of liberty, disillusioned even the most fervent fusionist about the perfections of United Italy. In this dark hour, literary realism, with its pitiless thirst for facts, its pessimistic interpretation of truth, its dogmatism about the scientific redress of wrongs, was accepted by the Italian artist as a necessary reaction from romanticism, and appeared to the Italian novelist an adequate formula for fiction.

This dogma of pure realism was opposed to the serene and poetic traditions of Italian literature. Yet, for a time, realism was rampant; and even when in part displaced by the torrent of new ideas, broad traces of its passage remained in the Italian novel. The clamorous success of Zola's *études de moeurs* was mistaken for Italian preference; but these purposely gross and deliberately vulgar descriptions were so contrary to innate national tendencies as to produce only a temporary obsession.

Giovanni Vèrga was the first author of stories and novels of genuine Italian realism. Wisely he chose his subjects from the simple Sicilian life. Discarding facile dialect, he speaks in fragmentary sentences pregnant with the rude passion and confused ideas of the common people. The Sicilian noonday glare outlines the landscape in high relief. Unembarrassed by self-consciousness, unrestrained by reticence, the unfeigned feelings and uncurbed passions of these simple people are revealed in all their

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impulsive sincerity within a rude environment of mediæval customs. From this gallery of pastoral figures emerges a type of womanhood which is delineated with truth, vigor and originality. This is the passive, Eastern, almost Biblical, woman. As in an Egyptian or Byzantine picture, there is the unconscious hieratic pose; her movements are slow and dignified; she is not obedient, —since obedience implies the surrender of conscious will,—but she is utterly submissive. Curbed by fatalism and timidity, she questions neither the moral law which enslaves her nor the right and power of man, her master. Her religion is superstition, her chastity instinctive. Yet there is in her,—as there is in every Arcadian creature,—a harmony with her environment. She is a part of her moral world; her beauty blends with the lines and colors of surrounding sea and sky.

A sunburnt pallid face is illumined by great dark eyes that gleam under a glossy mass of sombre hair; a body that ill usage and toil have strained, reveals, under its rags, the slender elegance of a Tanagra; the slowness of her gesture attains to stateliness in the simple rites of her faith; the mellow accents of her deep-toned voice mingle in concord with the song of the waves on the pebbly shore. Nor is her spirit less attuned to her moral world. There is no vulgarity in her ignorance. She meekly bends to the fatal necessity of her master's will; and when, in blind impulse, she commits some unpremeditated crime of jealousy or vengeance, her responsibility is limited by her utter ignorance of self-control. Like any other dumb, hard-used creature, she acts instinctively.

Diodata, the farm girl in *"Mastro Don Gesualdo,"* represents this type. To her master, Don Gesualdo, she has granted all that was hers to give, her virginal innocence, her patient toil, her unrequited devotion that shines out of her eyes, doglike in their dumb entreaty, imploring his caress. Yet, when told that he is to marry a noble-born Signora, she makes no protest, scarce dares show her grief, and crouches at his feet, gulping down her heavy tears. With the same unquestioning submission, she had accepted the master's will when this will was to possess her. She now accepts from his hand a complacent lout, who will take her to wife and with her embrace the master's children and pocket the master's money. Fate preordained this arrangement, and in Diodata's soul there is no protest. But when sickness and age

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have reduced the wretched millionaire to that awful solitude of the unloved and the unlovable, then Diodata returns, bringing Don Gesualdo the balsam of disinterested affection and genuine pity.

In Grazia Deledda's Sardinian sketches, the feminine characters, though delineated in accordance with Verga's æsthetic principle, are remarkable for originality, sincerity and direct observation.

Centuries of patriarchal life in a land of barren fallows and extensive forests, of traditional superstition and relentless struggle, have powerfully moulded the Sardinian woman. She reverences the head of the family, yet maintains her self-respect; her large share in field labor and cattle tending, the importance which inherited Oriental jealousy gives to her possession, the deadly feuds that any misbehavior on her part is sure to kindle, endow her with a dignity in singular contrast with her lack of education. Zia Grazia, the stern widow of a brigand, who sits by her fireless hearth and mourns the departed hero and laments the coward spirit of her pious son; Olì, the degraded mother who commits suicide, to save her son from shame and to escape his reproaches, are truly feminine characters and entirely Sardinian.

Federigo De Roberto has in his novels so enlarged the formula of the realists as to present not merely one entire family, or even one entire section of society; in his novel, "The Viceroys," he includes the whole social world of his native Sicily. This ample reconstruction contains a notable gallery of masculine portraits, but the feminine characters are shadowy representations. In another novel, "Illusions," where De Roberto presumes to give the complete history of a woman, he only records a series of her love-affairs, from the precocious mishap of her unguarded childhood to the sad fate of the white-haired woman who has always pursued an *ignis fatuus* of illusions, and has fallen into moral marsh and mire.

Individualism, that predominant characteristic of the Italian mind, soon invaded the realistic school. Its writers adhered to the fundamental dogma of objective investigation and truthful rendering, but they followed personal preferences and aptitudes. Matilde Serao's emotional temperament sometimes leads her into sentimental wanderings, but she has never swerved from her fundamental conception of the psychology of her sex: love is for Serao the sole master-passion, the only fount of joy or sorrow.

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Carmela Minimo, the ballet girl, is a very beggar for love. Her plainness has saved her from temptation, but she has been infected by contact with the wicked world around her; and, when love does come, it is in the poisoned atmosphere of a Neapolitan theatre. The fashionable and adored Terzi ridicules her proverbial chastity. So the infatuated girl (in her desire to conform to her idol's standard) takes a lover. This shop clerk, who treats her to cheap suppers and bad wines in tawdry restaurants, who shocks her religious sentiments, and wounds her feelings, dismisses her rudely when he realizes that she is no credit to his snobbery. Carmela, thinking to come nearer to Terzi's ideal, accepts a second lover.

But suddenly the scene changes; the doll becomes a woman! Terzi is dead! He has preferred suicide to facing the consequences of folly and extravagance. In a cheap lodging-house he lies alone. Carmela finds him; she claims the privilege of watching by that corpse and of weeping for that dead man who now is hers. By the ruin of her life, by the loss of her hopes of heaven, she has purchased the right of kissing those cold lips, that in life gave her only a mocking smile and a ribald joke. Yet, such is the divine folly of love, she does not regret the exchange.

The overmastering passion, so enslaving the will that the entire life drifts like a rudderless boat to final wreck, is the characteristic trait of all Matilde Serao's women. In "Sister Joan of the Cross," the object of that passion is changed, but the incapacity for resisting it remains. By Government decree the little wizened nun is thrust from her monastery out into the world. Her soul is obsessed by passion for conventual walls, for the black veil, for the enforced silence, for all those practices that gave dignity to her life. Blinded by her infatuation, she slips down, ever down, into more miserable situations, serenely content to accept every humiliation if only she can have a black gown and shawl of monastic fashion, and save her religious name from contamination. How pathetic the last scene of all! She sits at a table which charity has spread for the poorest mendicants, and she partakes humbly of these alms; but, when a grand lady patroness asks for her name, she gives her religious surname with the pride of a duchess handing her emblazoned visiting-card.

In the novels of another woman writer,—Neera,—are to be found more complex psychological studies. Thus, Teresa, reared

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in a slow country town, is surrounded by that besotted selfishness which crushes the weak, and burdens with misery the uncomplaining. Even before her tenth year she is the family drudge, the maid of all work, the sickly mother's nurse. She rears a brood of younger brothers and sisters, and patiently endures her father's complaints. That her marriage portion may be saved for her brother, her parents refuse consent to her marriage. Teresa's nature is embittered in resisting the desires of her own heart and the pleadings of her *fiancé*. She becomes a fretful spinster, and the man whom she might have inspired to a useful life, discouraged and unrestrained, slips into snares and pitfalls.

Lydia, another of Neera's heroines, is petted and flattered by a brilliant social circle, is led into extravagance, tempted to coquetry, and initiated into the corruptions of the Neapolitan aristocracy, but never helped toward a more noble life. At first she scorns the banality of marriage, and when disillusion, wounded vanity and overwrought nerves finally bring her to the verge of a darker precipice, she finds refuge in suicide.

Thus even noble-minded Neera arrives at the same conclusion as passionate Serao—that, since woman is only meant to inspire and feel love, it is useless to study any other phase of her psyche and superfluous to claim for her any other right than the free satisfaction of her sensualism. These strange advocates of feminism, ignoring the higher demands of the woman's nature, only ask that this unique demand be recognized.

It was inevitable that the profounder truths resulting from psychological investigation should succeed the superficialities of realism. The lens and lancet system was not discarded, but its method was extended to the more complex problems of the human soul. Writers strove to rise above the rude description of obvious phenomena to a consideration of motives; winged imagination and poetical reconstruction added their charm, where heretofore there had only been objective analysis and dogmatic assertion.

To these new elements of the novel Fogazzaro has added his genial philosophy. He is a trained thinker, who, when impelled by his religious convictions to a larger interpretation of life, demands a scientific assurance to confirm his faith. He belongs, with Blaise Pascal, to that *élite* of storm-tossed souls who are perpetually tortured by their craving for certainty and by their thirst for absolute faith in a revealed religion. In his desire to

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reconcile the Darwinian and Spencerian theories with the Catholic creed, he devised a pretty formula when he defined the evolution of man and the survival of the fittest as the "*modus operandi* of Divinity"; yet no formula can quiet the soul drawn to an ideal, and shackled to reality by scientific training.

This dualism, which informs all Fogazzaro's writings, and peculiarly his novels, is also the key-note of his interpretation of feminine characters. The double current of ideas, ever at war within him, yet ever blending in artistic creations, makes him scrupulously respectful of truth in the rendering of objective elements, and poetically imaginative in their interpretation. This excellent method gives to his delineation of women greater power and completeness, because he perceives that there are other emotions and other desires in a woman's heart than her longing for masculine admiration and love.

Having adopted this view-point, Fogazzaro has not disdained to trace portraits of women who, though they have outlived the age of sexual emotion, are not less interesting subjects of study. Thus, the characteristic traits of Marchesa Scremin, one of the secondary characters in "*Piccolo Mondo Moderno*," is pictured in a few vivid sentences which tell of maternal grief borne with Christian fortitude, and silently.

Dowager Maironi, in "*Piccolo Mondo Antico*," is a complete and unforgettable character. She symbolizes a fast-vanishing society, yet is she a living and throbbing personality. Her avarice and superstition, her obduracy, her stately manners, and the peculiar authority which she exerts over her entourage, give to her plump colorless face originality and power.

But there are other pictures, full-length portraits, which better illustrate Fogazzaro's feminine ideal.—Elena di San Giuliano, for instance, in "*Daniele Cortis*." Nothing can be more realistic than the preliminary analysis of this character. All the biological antecedents of her race, all the conditions and influences of her surroundings, are strongly, crudely presented. Her fatal abasement is a logical sequence. Her own mother's depravity, her slight education and neglected upbringing, culminating in marriage with an irreclaimable wretch; the levity of all her companions, save courageous though bigoted Uncle Lao, and their tacit approval of the fault which she has not committed, but which they imagine inevitable; even the outrage of her vile hus-

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band's jealousy; everything urges her into sin. Yet she renounces the love that would mean an honored and easy life and joy unspeakable; with breaking heart she condemns her beloved Daniele to misery, and follows her husband into shameful exile.

Fogazzaro leaves this final step unexplained. Having sounded the abyss of scientific analysis and measured its limitations, for the ultimate result he provides only a metaphysical solution. At the time he wrote "*Daniele Cortis*," his own religious development would not have suggested a miraculous intervention of Divine Providence to account for this sudden resolution of a woman without religious instincts. Yet Fogazzaro is a Latin, living in a country where neither public sentiment nor private feelings as to the obligations of the marriage state would suffice to deter a woman of Elena's rank and education from following the impulses of her heart. In place of the restraining influence of public opinion in regard to the sanctity of marriage, or craven fear of breaking the Decalogue, he suggests that in every human soul there is an unerring guide to right action, a power strong enough to uplift the world.

Fogazzaro's selection of a feminine character to exemplify this moral struggle was a promising earnest, which has been realized in the character of Luisa Maironi, in the novel "*Piccolo Mondo Antico*," one of the most noble types of womanhood in Italian fiction. In order to elucidate the one decisive crisis in her life, with careful analysis Luisa is studied under every aspect of her development. Altruism, the key-note of her character, informs her every act and thought. Tender solicitude for her sickly mother, grateful appreciation of her uncle's protection, encouragement of her husband's plans, unwearied care for her child, everywhere and always she scatters the sun-bright light of her affection in active charity, kind words and unfailing good-humor. Her ideal is of justice, courage, endurance and human love. Her affection for Franco is strong and passionate, but it has none of that moral cowardice which bids the intellect and conscience surrender their right of control. The opposition between her ideas and those of her husband is always conscious; and when the struggle comes, when she has to choose between Franco's Christian submission to wrong and her own notion of right, she accepts the fatal estrangement rather than purchase her happiness by a renouncement of her ideal.

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In the second part of the novel, Fogazzaro strained the evolution of his character so as to serve his purpose: his moral thesis required that Luisa be "converted" and that Franco's piety triumph. Accordingly, he presents grief, the maddening grief of a mother who, gazing on her only child's dead body, feels that she is in part responsible for this loss. Luisa's rebellious spirit at first is crushed, and then come conscientious misgivings; whilst Franco's pious soul finds consolation in thoughts of eternal happiness for his dead child, and something of joy in the feeling that his little one has been removed from the temptations of this wicked world. Luisa, in her despair, turns to the delusions of spiritism, but through her love for Franco she finally accepts his theory of Christian resignation and is comforted by the same Faith.

In his last noved, "*Il Santo,*" Fogazzaro has adopted the sterner and more Catholic standpoint, and his Jeanne de Salle appears like an embodiment of Evil, tempting the "Saint" to the sin of love; but, when he wrote "*Piccolo Mondo Antico,*" he had not yet decided for this interpretation of the great problem. His less prejudiced mind, in its eagerness for the complete truth, could still discern some of the complex changes of the human heart; he could see that, after the softening influence of grief, a woman's craving for pure tenderness and comfort must revive with tenfold power; he could also interpret in its double current of sensations and feelings the conjugal love and the blind maternal instinct that were stirring after a long period of depression in Luisa's heart and nerves; and above these elements of love, he knew that an infinite desire of making this bond everlasting, beyond the limits of time and space, must lead to a belief in the life after death and the promise of the joys of heaven. Luisa is not persuaded by argument, nor is she enslaved by an impetus of passion, but she is influenced by a blending of many diverse sentiments. Under the stress of threatening danger, the forebodings of an uncertain future and the necessity of immediate parting, her affection for her husband revives, and in the perfect communion of the two hearts all doubts are dispelled. The importance of the religious sentiment in the relations between man and woman, so conspicuous in many English and American novels, was almost a novelty in Italy, but Fogazzaro pursues it in his subsequent novels.

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Elena di San Giuliano, Luisa Maironi and Jeanne de Salle are three important creations in Italian romance. They are impersonations of human tendencies, instinctive desire and every other natural craving which stands in opposition to the pietism and mystic religious exaltation of the three men whom they love, Daniele Cortis, Franco and Piero Maironi.

Despite certain juvenile experiments and the profession of realism contained in the introduction to "*Giovanni Episcopo,*" few modern novel writers have borrowed less from direct observation than has D'Annunzio, yet in his novels are to be found some of the most characteristic representations of Italian woman. This apparent contradiction may be explained by the fact that, although D'Annunzio lacks the aptitude for patient observation, he is richly dowered with the poet's gift of assimilation, with the artistic sense that instinctively grasps the elements of beauty and synthesizes them in an æsthetic composition. His right to the epithet of "*immaginifero*" (producer of images) is enforced by the finish of his feminine figures, while his shallow psychology is evinced in his attempted analysis of their feelings.

There is no humanity, no life, in these characters; the clumsiness of their reconstruction dulls the sense of disgust which some of their acts inspire. Thus, Giuliana Hermil, not merely consenting to the death of her new-born babe, but praying for success for the murderous enterprise; thus, Ippolita, in "The Triumph of Death," always obeying her lowest instincts. "The Virgins of the Hills," because they never assume to be anything but allegorical symbols, exemplify the author's power for thus creating figures of unparalleled beauty devoid of any psychic life, merely swayed in their actions, or moulded in their appearance, by the reflections emanating from the mind of their lover; ever flitting and changing according to his flitting and changeful moods. Indeed, this essential trait is common to many of D'Annunzio's characters of women. They are phantoms created by the imagination of one man, embodiments of his desire, realizations of his æsthetic dream.

"*Piacere,*" one of D'Annunzio's earliest works, wherein he has lavishly scattered the gifts of his poetic inspiration and the dross of his artistic sensualism, contains three very original feminine figures. Around this Child of Volupty these three shadows arise, projected by the fire of his perverted imagination. Maria Fleres,

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the empress of his higher thoughts, the artist who stirs within him an almost chaste admiration, is the reflected image of all that is still unsullied in his soul. Elena Muti, the queen of volupty, perverted in her refinement, mixing with her utmost depravity a worship for art, is the incarnation of his less avowable feelings. Francesca d'Ateleta is the dimly shadowed profile of his blurred reminiscences of social bonds, family ties and intellectual friendship.

These three personages move clumsily around the man they love, their feelings remain unexplained, their motives confused, and little sympathy is felt for their fate; yet every reader feels that they are stamped with a genuinely Italian physiognomy.

Maria Fleres, of stately beauty, wears her modern gown like the drapery of an antique statue. Her interpretation of music, both passionate and imaginative; her love, both chaste in its spirit and sensual in the deed; her religious scruples and her humbleness before her lover all fix her Italian figure and her Italian mind.

Elena Muti has inherited from the Borgias that perverted sensualism, that intellectual depravity, which blends the most refined æsthetics with the most cruel desires.

Francesca D'Ateleta, too, is eminently an Italian character, an impersonation of that subtle charm, that *gentilezza* which distinguishes the Italian *dama* from every other gentlewoman. She has little of the Frenchwoman's *esprit* and none of the Englishwoman's *hauteur*. Her attitude and her intonations are less studied, her manners more stately, her smile warmer, her glance more direct; she ignores shyness and scorns etiquette, but has an instinctive abhorrence for vulgarity. It has taken centuries of Petrarchism and Arcadia, of courtly life and seclusion from vulgar contact, of communion with masterpieces of art, to produce this type of *Signora,* and that peculiar character of *gentilezza,* which may be termed a politeness that is sincere, an art that has become nature. It is an untranslatable word, because it answers to a conception of social intercourse without exact equivalent in other countries.

But another woman in D'Annunzio's novels claims, with better right, to synthesize the Italian woman, because, beside all these characters of external beauty, she also possesses—that which the others lacked—a living and throbbing soul, and because this soul is Italian. Foscarina, of *"Il Fuoco,"* the grand tragedienne, is,

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like all those things of beauty which have been much incensed and much admired, peculiarly attractive in the hour of her decline. It is as if the beauty of the poetry she has interpreted, the flame of the amours she has inspired, the perfume of the incense she has received, still clung to her, adding to her power of seduction. She shares with the golden sunset on the *laguna,* with the autumnal glory of fiery leafage, and the crumbling magnificence of her Venice, the evanescent charm of that which is doomed to disappear. This charm, made of exquisite sensations and spiritualized impressions, has been rendered by D'Annunzio with his usual power of expression, and also with a sincerity that is novel. Foscarina is not merely beautiful, and she does not merely appeal to the senses of her lover. She stirs within him deeper feelings, and in her turn she is actuated by higher motives. The dazzling picture of beauty, the delightful symphony of harmonious language, is not the final aim of the book, but only the background to a story of passion, of love and sacrifice. Foscarina, for love, will renounce her lover, and part from him almost without hope of future meeting. And this devotion, this tragic crisis, shows how essentially Italian she is: Italian in the stately pose which no emotions can ruffle, Italian in her unconscious preoccupation with beauty, Italian in her forgetfulness of reality, in the triumph of love over the long-enslaved flesh.

After the barren attempts of realism and the clumsy studies of pure psychology, this poetical reconstruction of the feminine type indicates a new manner of interpretation. Neither cold observation nor scientific analysis has produced any satisfactory literary representation of the Italian Woman. Has not the time come for trying a new method? The preliminary studies have indicated some of the elements of reality. It now remains for some comprehending spirit to seize them and idealize them in a poetic reconstruction. If this shall happen, it will have been once more the poet's glory to show the way and indicate the method. Others will follow, and, considering the activity of modern Italian novelists, will perchance promptly achieve that only picture which is yet wanting in the gallery of Italian fiction: the true portrait of the Italian Woman.

JOSEPH SPENCER KENNARD.

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THE FUTURE OF WESTERN TRADE.

BY J. B. CASE, PRESIDENT OF THE TRANS-MISSISSIPPI COMMERCIAL CONGRESS.

For twenty years there has been going on in the Middle West a change in trade method and direction of which not even those most intimately connected therewith have been fully aware. The coming of the railroad into the grain-raising territory west of the Mississippi has been accepted so generally as a matter of course that the gradual transformation it brought passed unnoticed by the average business man.

During these two decades, the West has been tremendously busy. It has had so many opportunities for wealth-making, and has seen so many chances for development, that it has assumed that conditions were changing only with the ordinary course of events and not in any marked manner. Western people have learned much during their years of prosperity. They have been extensive travellers. They have gone back East to visit the old home and have taken notice of things by the way. They have returned and told their neighbors that in Illinois, Indiana, Ohio and on East, every little town has some sort of manufactory, which is making furniture, shoes, automobiles, breakfast foods, implements, or something else. As a result, the laboring classes have employment at high wages; the merchants have prospered; the farmers have had good prices for their products close at home; and land values have been held at a high figure. They have argued, naturally, that a community depending for its prosperity mainly upon growing crops and shipping them for long distances before reaching a final market can never become wealthy.

In consequence, the Commercial Clubs and Boards of Trade, with which the Western States are sprinkled, have held meetings, adopted resolutions, raised funds for exploitation and encouraged

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in every possible way the establishment of manufacturing concerns. Hundreds of institutions have been located in the West by this means. Their coming has encouraged hundreds of others, until the manufacturing statistics of the Prairie States, where once were produced only wheat, grain and live-stock, are startling.

The old argument that it is foolish for a Western community to pay freight on its raw product 1,600 miles, then pay for having its product transformed into manufactured goods, and then pay freight on the manufactured goods 1,600 miles back again, has seemed so logical to the average Western community that it has done much to convince investors of the Trans-Mississippi country that they can make good returns on their capital. So, to-day, the Western merchant, instead of buying his goods entirely in the East, may place a large portion of his orders with reputable and successful concerns west of the Mississippi.

All through the Prairie States are found busy little factories that make many of the necessaries and luxuries of life. Not many years ago, the traveller who came West to "spy out the land" saw practically no smokestacks. It was a wide range of farms and villages. To-day, the aim of every town between the Mississippi River and the Pacific is to secure some sort of enterprise that will give employment to its laboring classes. Some of these are but the beginnings of much greater institutions. For instance, at Kansas City is a cotton-mill, which proposes to handle the product of the cotton-fields of Oklahoma, Arkansas and Northern Texas. Its promoters argue that this product can be manufactured with Western capital and by Western labor as satisfactorily as in Massachusetts or Rhode Island. In that city is also a paper-mill; glassware is manufactured extensively in Southeastern Kansas; woollen-mills are numerous; two or three successful Western automobile factories are making cars that sell in competition with those constructed a thousand miles farther east.

In direct connection with this trend of the Middle Western States toward making their own manufactured articles is an openly expressed desire for transportation facilities that will widen the market therefor. It is not enough in this age that several trunk lines reach directly to the Atlantic and Pacific coasts —the north-and-south waterways and more railways to supplement them are looked upon as necessary to complete equipment for the new trade conditions in the Trans-Mississippi country.

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The whole prairie region has been gridironed by north-and-south railroads — mostly on paper. Surveying parties have tramped down acres of growing crops, laying out imaginary lines that would run with the meridians of longitude. A few of these have been in a degree successful. Still fewer have resulted in tremendously effective traffic-ways from the lower wheat-raising sections to deep water.

In its earliest phase, the transportation question of the great West was necessarily along east-and-west lines. The men who developed the Prairie States were the agents of capitalists in New York, Chicago, Philadelphia and Boston. Naturally, their one aim was to bring to their home cities every possible advantage. Every trunk line had its terminal in one of these great cities.

But the West has outgrown those old conditions. It has developed some capitalists of its own. The day has passed when it was necessary for the man who would organize a company and handle a big business enterprise in the Prairie States to load himself with letters of recommendation and take the train for New England. He is able to find within a few hundred miles' radius of his own home men who know the West, understand its conditions, and who can, in homely phrase, "talk the Western language"— men who have the money with which to finance his enterprises. Definite gain is in this: it does not take so much explanation to describe to the Western capitalist the opportunity before him as it does to convince one in the East.

Then the West has been earning and saving so much money during the past two decades that it has a tremendously large loan fund, for which it is seeking investment. It is willing to utilize this in building up Western institutions. As a result of better understanding of the chances that lie in undeveloped sections, it is finding plenty of opportunity for profit. The statistics of accomplishment are surprising to those who have not carefully studied the subject. California's manufactories turn out a product worth more than that of Ohio, Maine or Michigan; Oregon has as great a production from its factories and shops as Michigan; Missouri has more than Vermont; Kansas more than Virginia; Colorado more than Indiana. The Pacific States are producing five hundred million dollars' worth of manufactured products every year, and the Rocky Mountain group of States, five hundred million dollars' worth more, making a total annual output in

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these sections of the country of over one billion dollars. This development of its manufacturing interests, particularly as the amount is constantly increasing, has a definite effect upon the trend and sentiment of Western commerce. They tend to make the Western business man feel that he is absolutely competent as a rival of his Eastern competitors. In other words, he has attained an independence that a few years ago was unknown. This is not alone because of the greater wealth and prosperity that have come to the Prairie States. The intelligent business man of the West knows now, even if he had forgotten it before the financial crisis of last year, that the financial operations of this nation are so closely intertwined that every section is bound to every other. He realizes that, in this respect, he cannot hope to stand aloof from the financial centres of the East. It may be that the editor of his local paper declares the "plutocratic East" a conscienceless enemy of the nation's granary, worthy of boycotts and anathemas —but the business man and capitalist know that, in the final analysis, there must be harmony and wide-spread confidence between East and West if prosperity is to be maintained as a feature of our national life. The intelligent Western business man is no ranter; he does not howl against the "red dragon of Wall Street," nor does he abuse the financial kings of America. He realizes that there is an interdependence in which all have a part.

Methods of Western merchandizing have changed greatly in two decades. Where formerly the country towns of the Prairie States had a large number of small stores, they now contain not only many small stores, but a large number of greater establishments that have grown up through the necessity for combination in meeting the needs of a rapidly developing patronage. In almost every county seat will be found two or more large department stores carrying stocks worth $40,000 or more, and embracing every kind of merchandize, from farming implements to dry goods. These are not the old-fashioned "country store" with its conglomeration of every sort of goods badly arranged, but they are equipped with every modern facility possessed by the average city emporium. It has been found profitable to conduct this kind of store because of the added advantage of buying goods in large quantities.

For the buying end of the Western mercantile establishment has become the important end of it. The close competition grow-

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ing out of the mail-order business has compelled the country merchant to figure on a small margin of profit. The mail-order houses of Chicago, Kansas City and St. Louis have found a rich field for operations in the country settlements of the West. They bring to the door of the settler, who may reside a dozen miles from a village, the entire stock of the great department store and at prices which seem to the buyer remarkably low. As the towns have increased in number, the advantage of lessened distances has been given to the home merchant; and few farmers, except in the high-plains region of Western Texas, are many miles distant from a home store. The telephone and rural mail delivery have become adjuncts to the home merchant, and he is probably in closer touch with his customers to-day than ever in his history. To be sure, he still has the mail-order house as a great competitor and the huge mail-order catalogues give him much annoyance. However, he realizes that if he can buy at lower prices he can meet nearly every competition of this sort, provided he can make his customer understand his ability so to do.

This advantage in buying, which the Westerner seeks, is at the bottom of his patronage of Western factories of every sort. The business man of the West, consequently, encourages the establishment of manufacturing concerns in every possible way. He does not advise the giving of bonuses, as was the illogical method of stimulating this sort of enterprise two decades ago; but he does put his money into the stock of such companies and buys the products of such institutions.

To the Western farmer comes another problem, which is closely aligned with those of the home merchant. He is desirous of securing every possible advantage in prices for his grain and live-stock. To do this, he must secure the minimum rate on two factors of the handling of his product: its transportation and the commission for handling. He has attempted to control the former by some radical railroad legislation, that has resulted in comparatively little actual advantage. He has fought for the latter by means of "Farmers' Unions" and co-operative elevators, which have brought into a community of interest tens of thousands of farmers scattered through the grain belt of the Middle West. All in all, he has accomplished most in the handling of his wheat. His live-stock market is as greatly dominated from its business centres as ever.

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Likewise the farmer has been waking up to the fact that there are other possible ways in which he could add to his income. One is a more direct route for export. In consequence, he has joined the business man in urging north-and-south railways and better waterway transportation, so that the products of the farm may move to foreign markets by way of the Gulf of Mexico, instead of by the Atlantic seaport. The increase in the export trade of the Gulf ports in the past decade has been a manifestation of the growth of this sentiment. Nor is the end yet reached. The increase in shipping from Galveston, Port Arthur and New Orleans during the next ten years will be greater than that from any other ports in the United States. The opening of the Panama Canal will mean the turning of all eyes in the West to water transportation to the Orient by way of the Gulf of Mexico. It will mean the building of new railway lines to tap every part of the grain-raising section, and the hurrying southward of huge shipments to be loaded for foreign trade.

With the Western merchant buying at home, and with the Western farmer shipping his product to the Gulf of Mexico either by rail or by improved waterways, will the Eastern manufacturer and transportation manager be left out? Will the Eastern factory be robbed of its patrons to such an extent that it will find itself crippled? It is not likely that any such results will follow. The nation is growing too rapidly, both East and West, for that. But this can be predicted: no such growth of Western trade for Eastern manufacturers will be seen in the next decade as has been the case in the one just completed. Changes are going on in the West by which it is attaining to a larger commercial independence. The broad sympathy that a Western institution receives from business men, both large and small, shows how strong is the sentiment for the encouragement of Western concerns.

When the financial crisis of 1907 caused a sudden suspension of investment by Western banks in "commercial paper," the first limitation was put on securities that originated in the East. The first purchases after the subsidence of the flurry, and when the bank deposits again became abundant, was of paper issued by Western firms. Bankers generally had more confidence in securities that were based upon Western business than upon those coming from the Atlantic coast cities. They may have been wrong in this, but the fact remains that such was their instinctive action.

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Multiply this feeling by increasing success in meeting the demands of the rapidly growing area where luxuries are becoming as common as in States settled for a hundred years, and it is plain that the Western manufactory and wholesale institutions are to have a positive advantage that will increase as the years go on.

Along with the evident advantage arising out of having the manufacturing done near home and having a more direct outlet for the products of farm and ranch, the Western business men have of late years come to understand what is to be gained from co-operation in pushing their claims for trade recognition. In the earliest history of the West, all its enterprises were at the mercy of the East—that is, they were managed by Easterners, either through the government or by private enterprise. With the gain of capital and the greater amount of investment made from the savings of Western people, there has come also a unity of interest manifested in both political and commercial ways. Three great commercial bodies meet every year in the Western States: one is devoted to mining, one to irrigation and one to commerce. The direct object of these organizations is to build up the struggling enterprises of the West. The purpose is to unite in one effort the politicians, the capitalists and the business workers who live between the Mississippi and the Pacific. They point especially to the fact that, if all the Senators and Representatives who come from that territory will stand together for their home interests, they can get practically everything the Government has to give.

One outgrowth of this co-operation of the Western people is seen in the wonderful accomplishment in the reclamation service, which is taking from the dry lands of the desert vast areas and transforming them into productive farms. Already the enterprises along this line have involved an expenditure of fifty-one million dollars. There are under way twenty-seven great projects, among which are the greatest dams ever constructed and 2,000 miles of ditches and laterals, with more to be completed during the present year. The plans of this one service alone now contemplated mean the expenditure of a hundred million dollars, every cent of which will be repaid by those who obtain the land that is to be watered at Government expense. These schemes do not benefit any one portion of the West, but include districts located in the Dakotas as well as in Arizona, on the Pacific coast and in Oklahoma.

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When it is considered that seventy per cent. of the area of the United States lies in the Trans-Mississippi country and that four hundred thousand immigrants are crossing the Mississippi every year to people its rich acres, it can be understood how great is the opportunity that lies before the Western business man during the next two decades. It should be remembered, likewise, that he lives in a section where there is practically no poverty, where poor-houses stand empty because none applies for entrance. Neither extreme wealth nor extreme penury exists in all this wide stretch of America's plain and mountain regions. The few millionaires who have been made rich by fortunate mining discoveries usually go East to spend their income. Farming regions of the West do not produce millionaires, but they do produce a high standard of competency that makes every family independent, and brings to every merchant a patronage which enables him to meet his obligations regularly and to obtain a steady income.

These are some of the factors that enter into the conditions surrounding every-day business transactions in the Western States. The one thing that interests the merchant is stability. He wants to know that those with whom he does business and those whom he trusts in a commercial way will be able to meet every obligation. With the newer discoveries in better methods of agriculture and the transformation of large areas of semi-arid and arid lands into productive irrigated farms, he has a stable constituency with which to deal. Compared with the homesteaders of twenty-five years ago,—those who came West because they had no other place to go, who owned little except a title to a quarter section of land which few knew how to farm successfully, a debt-burdened, struggling population, frequently discouraged and never over-prosperous,—he has, indeed, most satisfactory surroundings.

It should not be forgotten that the Trans-Mississippi section has a population of nearly thirty million, a country producing more corn, wheat, cotton and other agricultural products than any similar area on the face of the globe. Its mines yield silver and gold by the shipload, and coal enough to supply the world. This section, during the past fifteen years, has increased the value of its agricultural products from $701,000,000 to $1,714,000,000, or more than 144 per cent. Who can tell what the next decade will bring in the magnificent outpouring of wealth from this great granary of the world? Those who have watched the upbuilding

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of this magnificent portion of our nation and have helped to develop it realize that, with this increasing production, there comes a large problem of transportation.

Indeed, it overshadows in many ways all other questions bearing upon future advancement. It is recognized that railroad transportation is already overburdened. Only one other outlet is open to the great Middle West, and that is through the waterways that reach their streams up into the foothills of the mountains. It is not only because of convenience that it looks to this method of solving the pressing problem, but because it will, through the competition afforded, give cheaper rates for the immense amount of grain and coal that must be transported to the greater centres of population. It is realized throughout the Trans-Mississippi country that every cent saved in transporting the natural products of soil and mine means millions in surplus revenue. The people of that section have been reading and studying this question and they look to a time in the not distant future when ships shall be loaded regularly at Kansas City, Muskogee and other interior points, and landed at Chicago, New York, New Orleans, Galveston, then across the seas to Europe, South Africa, South America and the Oriental countries, giving us access for our raw material to all the world's markets at the lowest possible cost of transportation. For the present, our message to the East is this: We are glad to sell you our products, to loan your factories our money, to keep our surplus funds in your banks, to buy your finished products, your manufactured goods; but we expect to sell you our raw material and we are determined to transport it to you at a minimum expense.

The Western business man is at present only beginning the accession of his independence. He has some ideas in legislation and business methods that are not in harmony with those of the average Eastern merchant. He works on a swifter basis, with quicker turning of his stocks into money. The activity of the West is proverbial and it is seen nowhere more strikingly than in the ordinary business procedure.

Probably no portion of the nation was so little affected by the recent financial flurry as the Middle West, the great granary where the farms have been producing so liberally during the past eight years. The banks were quick in returning to their normal conditions and the people resumed their usual methods of doing

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business rapidly after the scare had in a measure subsided. The important thing is not that the West has been prosperous, but that it has continued to prosper when the rest of the country was to a degree overwhelmed with the situation of doubt.

Just for a single example of the kind of prosperity that the West possesses: It is stated by the dealers in automobiles that more cars were sold last spring to the farming sections of the Prairie States than in any other part of the United States. In one town, three hundred miles west of the Missouri River and half as far from the mountains—a town of little more than 3,500 inhabitants—are seventy-two automobiles. Counties that one year ago had less than half a dozen machines, now have seventy-five to one hundred. The people have gone on making money and spending it—and many of the expenditures have been made on Western-manufactured machines.

These things are important as indicating on what basis Western trade of the future is to depend. It may be that the plans for building up of home factories will not advance so rapidly as now seems likely; but the present rate of progress is so positive and so satisfactory to the investors that it is not to be doubted that something good is to come in this direction. The West is building up some jobbing-centres that are to be reckoned with. Kansas City, which was a straggling village within the memory of this generation, has half-a-million population and will have a million in another decade. Wichita and Oklahoma City, the latter bare prairie eighteen years ago, have over 40,000 population each, with trolley cars, electric lights, and every modern luxury that the East possesses. In the north are the Twin Cities and Omaha, while on the Pacific coast are Seattle, Tacoma, Portland, Spokane, San Francisco and Los Angeles, all growing in business importance, not only in the local trade, but as distributing points for a wide territory that was once supplied from the East, or would have been so supplied under old-time conditions.

In other words, Western trade will seek the lines of least resistance, and the indications are that these lines will lead to the local manufactories, to the home concerns and away from the old-time centres. As the years go on, the tendency will increase and the Western business man will have a greater independence because he has a personal interest in the affairs that are nearest to him.

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It is not to be inferred from this that the West has a grudge against the East, nor that it has in its mind a boycott because the East is where it is. On the contrary, the business men of the West feel most kindly toward the East; they have done business with the East so long that they realize more keenly, perhaps, than the farmer the good qualities of the Eastern wholesaler and his associates.

But it is the natural outcome of growing importance and business strength and a desire for individuality, that shall in the end bring to the West a supremacy in trade that will divorce it to a large degree from its former associations. The Western trade of the future will be given to Westerners when possible—as, indeed, it is to-day—and the increasing number and importance of the Western localities where it can thus be turned is a significant factor in the situation.

The fact that Western politicians and business men are joining hands to get things for the West, and are asking the Government and the business interests that there shall be fuller recognition of the needs of the West, is in itself but an indication of what is to come when the manufacturing and wholesaling interests of the West are fully developed.

It is but a matter of short time when trolley lines will gridiron the Prairie States as they do the States east of the Mississippi; the telephone and rural mail delivery reach practically every family to-day; the Western business man is in touch with his patrons as closely as is the Eastern business man with his.

The prospect for future development is most encouraging, and the Western States are looking forward to a time when the shorter distances of transportation and the increased business connections will make the Western business centres as prominent and as prosperous as those of the Atlantic States. The tendency of Western trade is in that direction—it is merely a matter of time when it shall arrive.

J. B. Case.

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THE DRESDEN ESPERANTO CONGRESS.

BY HENRY JAMES FORMAN.

THE success of any world-congress depends upon three things: the importance of its object, the enthusiasm and interest of the members in their cause and the general influence it diffuses for the good of humanity. Assuming that these premises are true, the Dresden Esperanto Congress held from the 16th to the 22nd of August last was one of the most successful of world-congresses. The German Empire, which despite all its progress is of an exaggerated conservatism, paid close attention to the doings of the Congress, looked upon the spectacle of thirty nationalities united by a common speech with profound interest and, so far as one could judge from conversation and the press, applauded its fundamental idea.

The fundamental idea of Esperanto, it may be briefly restated here, is the same fundamental idea upon which all progress rests. It is the increase of facility in human intercourse. Just as the invention of the printing-press made it possible for all the world to be educated, or the discovery of the telegraph to know what is happening in every section of the globe the same day, so Esperanto has for its object the promotion of a simple, flexible auxiliary language by means of which every human being will be able to understand its fellow. So simple is this tongue that any one can learn it in a space incredibly shorter than is required for any natural tongue now in existence, and when every one does learn it the barriers of speech that make the many nations so alien to each other will have fallen away. It has, moreover, the advantage of neutrality, so that the jealousy of one nation over the prosperity of another's language abroad is absolutely eliminated. We may then, I believe, concede that such an object is of sufficient moment to animate a world-congress.

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And the Dresden Congress, it may be added for the benefit of some readers, was the fourth in the series of universal Esperanto congresses, the three preceding ones having been held at Boulogne, at Geneva and at Cambridge, England, respectively. So that the animating spirit is no new thing, but general propaganda aside, has already been brought to the close observation of various European nations.

Last year, in describing the Cambridge Congress, we had occasion to speak of the satisfying spectacle of thirty nationalities assembled in one church attending a divine service in a common tongue and giving ear to a sermon in a language understood by all. At the risk of repetition, it must be said that to those who were last August in Dresden that seemed just as wonderful a phenomenon as it did the very first time they had seen it. Secular movements for universal unity and harmony among mankind, however well founded, are still recent when compared with the ancient striving of the Church. For centuries upon centuries the Christian Church has preached universal brotherhood as among the most precious and fundamental of its doctrines. And how near soever may be the approach to "good-will to man," the barrier of alien speech still separates the nations. To those who attended either the Catholic service at Dresden, or the Evangelical, both conducted in Esperanto, and saw the hundreds of worshippers from every clime assembled under one roof and under one pastor, saying their simple prayers and singing their hymns in one language, could not but feel that the curse of Babel was at an end.

This feeling was intensified by the meetings of the Bible translators. Some years ago the present writer came upon a collection of Bibles in many tongues and dialects, and, though their number was very large, they by no means represented all the translations extant. One could not but reflect upon the time and energy that could have been spared, and upon the simplicity and benefits to mankind of some common medium of speech that would do away with these numerous tomes, that all could understand. The simplicity and the benefits of such a speech have not only appeared, but have even done their work. The greater part of the New Testament and much of the Old Testament lay upon the table already translated, and the balance will soon be completed. The book of Proverbs, translated by Dr. Zamenhof himself, is

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even now appearing in this REVIEW. The endeavor in a task like this, most people will surely agree, is not only useful, but noble and beautiful. In short, take it all in all, the object of Esperanto seems to grow in importance with every concrete instance of the uses to which the language is put.

The opening of the Fourth Congress on Monday the 17th of August was one of the most impressive pictures that I have ever witnessed. About three thousand people filled the Vereinshaus, which was decorated with the flags and shields of all nations. Upon the platform, as is customary, sat the *eminentuloj* identified with the cause of Esperanto. Dr. Zamenhof was there, and M. Boirac, the earnest Rector of the University of Dijon. General Sébert, also of France, sat close to Dr. Mybs of Altona, Germany, the chief organizer of the Fourth Congress. H. Bolingbroke Mudie, the energetic and wealthy young Englishman who has dedicated all his time and energies to Esperanto, still seemed to exert an influence over this Congress, as he did last year over the Cambridge Congress, of which he was largely the organizer. Felix Moscheles, the artist and peace enthusiast, whose motto in dealing with millionaires is, "Give me money and I'll give you peace," sat beside Colonel John Pollen, C.I.E., England's official friend of all the Rajahs and Newabs of the Indian Empire. As Colonel Pollen has been obliged to learn most tongues of Europe and Asia, he knows the value of such a medium as Esperanto and has ever been zealous in its cause. With considerable pride those of us who came from the United States looked upon still another delegate, Major Paul Straub, officially chosen by our War Department to attend the Congress and to report upon the uses and merits of Esperanto.

The gold and silver galloon of the German army and of official Saxony glittered among the multitude, for His Majesty the King of Saxony graciously bestowed his protection upon the Congress, and every Minister of State in Saxony was an honorary member of the Congress. There were official delegates on behalf of Saxony, the city of Dresden and the Kingdom of Sweden.

Colonel John Pollen as President of last year's Congress formally ceded the chair to Dr. Mybs of Altona, and then, as is customary, Dr. Zamenhof arose and gave his annual message to the Congress. Dr. Zamenhof's message this year, as every year, was one of progress, but in addition he announced the formation of

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an Academy, after the pattern of the French Academy which should pass upon matters of linguistic growth and, where necessary, reform. The ovation which Dr. Zamenhof receives every time that he appears before an Esperanto gathering has often been described, and yet there is to the observer always something novel in it. There is always a peculiar sense of exultation in beholding a man who has created a living language in which thousands upon thousands already exchange ideas the world over.

The burgomaster of Dresden extended to the Congress the greetings and welcome of his city, which had already substantiated this ceremony by considerable financial aid. The many delegates from all over the globe then brought their messages to the Congress. From India, from Iceland, from Siberia and from Peru, as well as from every country in Europe, came the intelligence that Esperanto was flourishing and prospering there. But the most enthusiastic reception, perhaps, was accorded to the Japanese delegates, and to Major Straub representing the Government of the United States. The Europeans in some way have grown accustomed to imagine that Japan and America were recently all but at war with each other. And to see delegates from each of the quasi-belligerents thus juxtaposed on a platform that makes for nothing if not for peace, confirmed their notions of the ultimate ideal of Esperanto.

The balance of that week was filled up with the general activities of a congress. At the daily business meetings the thousand and one problems of propaganda, of organization and of general improvement of conditions that would naturally confront such a movement, were discussed freely and forcibly in the language with which they were concerned. The afternoons were given up to special meetings, sight-seeing and excursions in and out of the city. The municipality of Dresden courteously presented free transportation to every member of the Congress upon all the street railways, which constantly gave one the feeling of actually being the city's guest. There were delightful excursions to the beautiful region known as the Saxon Switzerland and to Meissen, the home of Albrecht's castle and of the famous porcelain works. Meissen showed its pleasure in receiving the Congress by a public demonstration and a reception by the Mayor and Corporation. The Congressists came up the river from Dresden in three large boats, and the Mayor was at the landing with an orchestra to wel-

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come Dr. and Mrs. Zamenhof as well as the other Esperantists. From a balcony of the Rathaus the Mayor made a graceful speech to the guests and welcomed them to the ancient city of Meissen. The maidens of Meissen then served a glass of wine to every member of the Congress to drink the city's health withal. The return home by moonlight was like a triumphal procession, what with the cheering and the fireworks all the way upon the banks.

An Esperanto Congress is a cosmos in little. Aside from the general meetings there are meetings of the various nationalities, special meetings of the scientists, the lawyers, teachers, physicians and various others. Even the Esperantists among the Dresden police had their meeting. One of the most interesting of these sectional meetings was that of the Red Cross.

The Red Cross societies the world over have found that Esperanto is perhaps the best "supply" they could take into the field in time of war. The benefits of a ready understanding among the Red Cross workers of different nationalities in the field are too obvious to need dwelling upon. Lieutenant Bayol, an instructor at the French military school of St.-Cyr, has been organizing this particular department for some time, and has already published a handbook of Esperanto for the special use of the Red Cross. Major Straub, it is believed, will report favorably to the War Department and urge the adoption of Esperanto for the use of the Red Cross, the medical corps of the army, as well as generally.

The week of the Congress drew speedily to a close, and on Saturday, the 22nd of August, was held the last session of the Congress. On that day the present writer had the honor of inviting the Congress, on behalf of the editor of this REVIEW and the Esperanto Association of North America, to come to America. The invitation was accepted. We cannot but hope that every one at all interested in Esperanto will do all in his power to make the Fifth Congress a success.

HENRY JAMES FORMAN.

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NEW BOOKS REVIEWED.

BY GERHARDT C. MARS AND FREDERIC TABER COOPER.

"TALKS ON RELIGION."*

"TALKS on Religion" might serve as the title for a volume of Sunday evening addresses by some favorite pastor. In the present instance, however, it indicates a broad and far-reaching inquiry into the fundamentals of religion, participated in by a dozen or more academic and professional men who are well known in their respective vocations, but whose identities are concealed from us under the cover of anonymity. The editor of the volume, Mr. Henry Bedinger Mitchell, does not undertake to record their exact language, but claims to present a faithful transcript of what they said, and adds much to the interest of his reports by retaining their original conversational form.

This religious symposium has its origin in the somewhat unusual but pleasing anomaly of a philosophical mathematician whose wide and deep acquaintance and sympathy with all manner of religious thought and endeavor, lead him to assemble the talkers, outline the problems and, from time to time, summarize the results.

In view of general vagueness in definition, the Historian suggests that a beginning be made by each, in defining his notion of religion. Although there is a tendency throughout to lay stress upon some one element in religious experience, the outcome is pretty clear that religion is a pervasive and intricate complex of thought, emotion and will. There is always some grand cosmic object of thought which calls forth the various emotions of fear, awe, reverence or love and arouses the will to manifold activities.

* "Talks on Religion." A Collective Inquiry Recorded by Henry Bedinger Mitchell. New York and London: Longmans, Green & Co.

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The discussion now enters upon two main lines of investigation which the Mathematician had already marked out—that is, the sources of those intimate convictions and sentiments which constitute the inner spirit of religion, and those outer ecclesiastical forms which religion has taken on and which have accompanied and influenced the historical development of civilization. In general, we are to deal with all that is involved in questions of the inner life and the outer organization, or of spirit and form.

The Clergyman is fortunately chosen to open the discussion. He proves to be one of those all too rare members of his class who are as widely interested in what the scientist and philospher think as they are in what the saint does. Faithful son of an historic Church, and deeply prizing her creed and ritual, he is nevertheless alive to a progressive enlightenment that demands reinterpretation for religion, and seeks for such a reinterpretation by giving to the inner spirit of the Church a larger and more rational form of outer expression. He sees that while the spirit is the life of religion, there is not only value, but necessity, in outer organization in order to give to that life practical efficiency. As to the inner life of religion, he points out that its sources are revealed in nature and in history, for nature not only manifests a supreme intelligence in its law and order, but also a progress toward some great spiritual outcome, as indicated in its rising evolution; while history shows the unfailing presence and inspiration of Christ, in spite of the paganization of Christianity. The result is that, in its essential meaning, "the liberal Christianity of to-day," the Clergyman declares, "is nearer Christ than the Church has ever been before." His position starts all sorts of oppositions and agreements.

The Zoologist is inclined to support him in recognizing the lessons from nature which the evolution of life brings to light. Not only is there the universal egoistic struggle for existence, but equally the altruistic subordination of the individual to the whole; but more especially a mutual working together in the common interest, whether it be in a cell group or a pack of wolves. The Golden Rule is embodied in nature, and out of this grand fact develops human morality. But the Zoologist finds in nature no revelation of the Clergyman's Christian God. He sees rather a gradual development of the religious sense from dreams and animistic beliefs to the notion of an all-pervasive, Supreme Being.

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This is all that is necessary to arouse in man the cosmic emotion which is quite sufficient to give meaning to religion.

The Social Philosopher now enters with an emphatic protest against this ethical religion of nature which to him is a "great, big, clumsy, blundering thing, caught red-handed in its idiotic incompetency, cruel, wasteful, remorseless! We should," he exclaims, "curse nature, not worship it. Or, better still, we should be snobbish to nature. Use it and despise it." This somewhat heated antagonism to nature, we must admit, has a rational basis; for nature, taken merely as such, utterly fails to meet and indeed often combats our highest human needs, and that, because man always rises above nature, is supra-natural and therefore can find nowhere in nature that freedom and self-realization which the reason in him imperatively demands. Hence the Social Philospher finds ethics and the religious ideals only in our own hearts. Men recognize at first a power about them upon which they must depend, but the worth of which they can little respect. With their refinement, however, this power assumes a higher worth, but, at the same time, becomes less real; until, finally, when the notion of ideal perfection gives supreme worth to the all-pervasive power, that power fades away into the realm of unreality. The protest raised against this denial of reality to the ideal rather misses the Social Philosopher's point, who, resting his position on Kant's unknowable "*Ding-an-sich*," does not seem to mean that God as the ideal does not exist at all, but rather that so far as we are immediately concerned, He is so transcendent, so far exalted above our actual world, as to come into no real relations with it, does not rule in it; so that life is entirely our own affair, and we must get along with it as best we can without looking for any real support or guidance from God.

The mystic Oxonian now comes upon the scene to deliver us from this godless world. And he does so by bringing God back to the world through *spirit* and *faith*. Man, unlike the brute, is a spiritual being—that is, one who rises above the reactions of the immediate environment and seeks satisfaction beyond the present and the seen. Amid the wild disorder of contending forces that surround and threaten to overwhelm him, he must seek the central and controlling governance of them all in which he can find security and peace. It is to this One that his spirit responds

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in confident faith as that which will deliver him from the dangers and snares of the many. And it is in this mystic attitude that religion finds its consummation. If at first the feeling is a mere sense of dependence for benefit and safety, it rises in time to reverence, and then to love. "With love comes the desire for union, and from the desire is born the fact and the experience—the mystic union with the core of things."

But, however rich and varied these views of religion may be, when it is regarded as an inherent fact of the individual life, there is also to be considered its social side, or the religion of the community as embodied in the Church. This institutional aspect of religion is dealt with by the Historian, who in a brilliant and rapid sketch of Church history concludes that Christianity, both in its Roman and Protestant forms, has not only flagrantly departed from the example and teaching of Jesus, and embodied extraneous and un-Christian elements, but, resting stubbornly in its unprogressive dogmas and traditions, has throughout persistently obstructed the advance of humanity. He will not even admit the Clergyman's claim that Christianity has made for righteousness or worked for a moral progress in civilization over the past. For while granting that "in our sense of brotherhood, of unity, of responsibility for the welfare of others," we have developed to a degree never before known in the world, he persists in asserting that "it was not due to religion, but to democracy and science to which the Church has always been opposed." When confronted by the possible distinction between the inner spirit of religion, which the Church has enclosed, and the outer organization as a fallible and erring form, he insists upon their practical identity in the Church of history; and this he finds to be invariably opposed to progress. He refuses to see that the historic organization was necessary to produce and nourish the germs of a new life which, while they needed more room for their development than the old form could afford, nevertheless had their origin and gestation there.

If, however, the question arises as to the possibility of religion without organization, the Pragmatist comes to the Historian's aid by showing, as he sees it, the growth of true religion away from the necessity of communal organization to the sufficiency of individual faith. With pagan polytheism and the monotheism of Judaism and Catholic Christianity there seemed to be felt the need

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of loyal attachment to the tribe or the Church. But with the Protestant reformation, God ceases to be the God of the Church or even of Christendom and becomes cosmic and absolute. So general, complex and intimate, therefore, becomes the relation of every soul to God that "no one organization can possibly confine it or make it exclusively its own." From the nature of the case, as the Pragmatist views it, "religion must be immediate, personal, wholly individual, containing and expressing all that the man himself is." And he even goes so far as to say that organization for religion is not only unnecessary, but positively harmful.

But the Oxonian again comes to our rescue. He points out with much cogency that, at any rate, so far as Christianity is concerned, religion by its very nature is social, and that fellowship is a prime factor in the development and enrichment of the individual religious life. Moreover, all spiritual ideals demand for their growth and sustainment a congenial atmosphere, and it is precisely the Church that offers, before all other means, just this atmosphere. Has the actual Church of history, by its superstitions, corruptions or fixity of ecclesiastical forms obscured the pure spirit of Christ? It has also continued and cherished that spirit, has successively put off its superstitions and corruptions, modified, to the growing need, its forms, and, in any case, "stands before us to-day an immense fact, the stimulus and instruction of communities. Fools may build houses—yes, and knaves too—that wise men may dwell in them." Is it asked again whether the contemporary Church is not ill calculated, in its forms of worship and preaching, to nourish cultivated minds? Then enter and modify them! answers the Oxonian.

But the problem is not satisfactorily solved as to how cultivated men of the present day can get into the Church—except on the old terms; or how they can stay there—on their own new ones. The Church has not yet learned the natural secret, as the Zoologist puts it, of renewing its shell with its inner growth. It does not even emulate the crab by casting its old rigid shell to form a new one. Expansion and growth are still effected by the formation of altogether new organizations with their own rigid shells.

But it is just this diversity of religion that especially pleases the Social Philosopher as an indication of the manifold richness

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of religious aspiration. To him "it is all infinitely beautiful, infinitely pathetic and infinitely dear."

The final discussion brings into view the "signs of the times," which seem clearly to indicate the wide-spread conviction that religion needs a broader and more rationally significant interpretation than may be found in any of the past historical forms, an interpretation which not only conserves the deep fervor and lofty idealism of the Christian spirit, but does so in the light of the larger and more luminous world-view of our modern scientific era. Such an interpretation or reinterpretation must satisfy the total reason of man in its rational unity. On the one hand, true religion cannot exist where reason is bound or stultified by unquestioning obedience to human authority. On the other hand, natural science and logic as such, free as they are, cannot supply a content rich enough to satisfy the entire demands of religion. The activities of thought, feeling and will, in their completeness, must be brought to such a developed unity as to see in the objective Truth of the cosmos the supreme Beauty of all things, because it rests upon an infinite and eternal energy which means the creative and sustaining Will of Goodness. The forms that would symbolize or embody such a religion might well be left to take care of themselves.

It would be impossible to indicate adequately in the course of a single review the rich variety of theme, felicity of expression, and breadth of spirit which characterize "Talks on Religion." Those who are interested in living religious problems should read the volume for themselves.

GERHARDT C. MARS.

THE NOVEL.*

ALTHOUGH the modern novel is confessedly the youngest and most elastic of creative literary forms, no one can seriously study its contemporary development without marvelling at the rapidity of its growth and the refinement of its methods. Its earlier looseness of structure, its inclusion of story within story, its confidential asides between author and reader, which we still accept complacently from Thackeray, are only some of the cruder and

* "The Technique of the Novel." By Charles F. Horne. New York: Harper & Brothers.

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more obvious faults which the finer technique of to-day has rendered obsolete. And while the importance of mere form is easily exaggerated, yet a certain degree of understanding of the methods by which technical difficulties are overcome and the desired results obtained adds to the profit as well as the pleasure we gain from any artistic creation, whether it be the *David* of Michelangelo, or the *Venus d'Ille* of Prosper Merimée. Accordingly, any book which, from a study of admitted masterpieces, succeeds in formulating the leading principles of the technique of fiction is performing a real service alike to the writers and the readers of novels.

Such a task, however, requires a rather unusual combination of qualities: a wise impartiality and kindly tolerance, as well as a keen appreciation of comparative values; a wide range of reading, and a no less broad and sympathetic understanding of life. And equally essential is a consistent self-restraint which contents itself with formulating the rules of technique as practised in the past and present, without attempting to dogmatize as to the way in which they ought to be practised to-morrow. For the rules which govern the making of a novel may aptly be compared to the principles of the common law,—resting on the basis of established precedent, and likely to be overruled at any time by the requirements of some new and exceptional case; but never to be formalized into the rigid dogmatism of a revised statute. And, to carry the analogy one step further, the technique of the novel, like the study of the common law, may be taught in either of two ways: either, in law-school parlance, by the method of cases or of text-books,—the historical method or the method of deduced principles.

These two methods, as it happens, are well illustrated by two volumes, of kindred aims and ambitions, but otherwise contrasting rather sharply, that appeared simultaneously a short time since. "The Technique of the Novel," by Professor Charles F. Horne, of the College of the City of New York, is a painstaking example of the historical method. It is evidently the outcome of a long and conscientious study of fiction, ancient and modern, on the basis of which the author has tried to show in precisely what order the several essential elements of the modern novel were evolved. Since the goal towards which the whole study moves is a determination, not of what the technique of fiction may have been a hundred or

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a thousand years ago, but rather what it is to-day, the value of the book is not vitally impaired by a lack of thoroughness in the earlier portion. Yet, inasmuch as the author has expended well-nigh one-third of his space upon the development of classic and mediæval fiction, there is legitimate ground for complaining that his conclusions are at least weakened by the inconsistency and incompleteness of his use of available material. Certain principles of technique the novel and short story possess in common with the epic and the drama. And in the case of the Greeks and the Romans, from whom only scanty and for the most part fragmentary examples of prose narrative have come down, it would have been quite justifiable to resort to Homer and Æschylus, Vergil and Plautus, before deciding that the classic world did or did not understand the value of certain forms of narrative structure. Professor Horne, however, bars out the "Iliad" and the "Odyssey," because they happen to be in verse, but he inconsistently admits the various mediæval cycles of stories, in spite of their verse form, and without attempting more than a perfunctory justification. The only specimen of realistic fiction that Rome has bequeathed to us, the "Satirae" of Petronius, he dismisses with a foot-note; the "Golden Ass" of Apuleius he seems to have passed over altogether; and while he does devote an entire chapter to a crude and primitive Egyptian story, he is silent regarding the influence of Hindu fabulists, and of the still more important story structure of the Hebrews; the books of "Ruth" and "Esther," the "Apochrypha," and the Parables of the New Testament. It does not follow that an examination of this neglected material would have seriously modified Professor Horne's conclusions. But at least it would have left an impression of greater thoroughness.

"Materials and Methods of Fiction,"* by Clayton Hamilton, deliberately rejects the historical method, and seeks to deduce the fundamental principles of technique from the world's admitted masterpieces of fictional narrative, drawing quite impartially from Cervantes and Jane Austen, from the "Iliad" and the "Prodigal Son," with the one constant purpose of finding the citation that will best illustrate the point at issue. It is not, however, too

* "Materials and Methods of Fiction." By Clayton Hamilton. With an Introduction by Brander Matthews. New York: The Baker & Taylor Company.

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much to say that the very real value of Mr. Hamilton's book depends far less upon direct and specific research involved in it than upon a certain wise and healthful outlook upon life in general, that lies at the basis of his careful and logical subdivision of his book; his initial discussion of the purpose of fiction, his suggestive distinction between the rival methods of realism and romance, his consideration of the three essential elements of narrative,—plot, characters and setting; and supplemental chapters of emphasis, on style, and on the distinction between novel, novelette and short story,—which, by the way, he insists throughout upon hyphenating. It is because of his wide horizon, his underlying interest in the big things of life, as well as his keen appreciation of the delicate art of some short story by Mr. Kipling, some subtle paragraph by Maupassant or Coppée, that one can read with enjoyment and profit chapters in which one may differ strongly with the author's main conclusions. For it has this vital quality of a book that is really worth while, that where it fails to convince it helps you to clarify your own reasons for believing just the opposite.

For the most part, however, where one finds one's self seriously at issue with "Materials and Methods of Fiction," the point of divergence lies in a definition of words. Anatole France has somewhere maintained that the essence of certain types of fiction is that they shall be ingenious and consistent lies, because there is in most of us "an inborn need of being lied to." Mr. Hamilton, on the contrary, in his admirably logical opening chapter, maintains that a fundamental quality of all fiction, whether "Vanity Fair" or "Alice in Wonderland," is that it shall tell the truth,—and when you understand that by truth Mr. Hamilton means that each and every part of a story must live up to what is expected of it, then you realize that he really means precisely the same as Anatole France, who insists upon a continuous and consistent lie.

Similarly, in his somewhat radical chapter on "Realism and Romance," there is no room for quarrel, so long as you accept the careful definitions with which Mr. Hamilton reinforces each step of his argument. The difference between these two divergent schools of fiction has from their origin been a bone of contention, and no two critics or novelists have quite agreed upon their respective characteristics, or their reason for existing. Mr. Hamil-

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ton propounds the ingenious and suggestive theory that it is nothing more abstruse than the difference between induction and deduction—the realistic novelist working from a series of actual happenings up to a general truth, while the romanticist leads us in the contrary direction, namely, from the general to the particular. Undoubtedly a certain class of novelists habitually follow the inductive method of thought, and certain others the deductive method; and to a considerable degree this means of classification might coincide with the division we have been in the habit of making between realist and romanticist; yet, if we apply the test extensively, there are sure to be found, sooner or later, a number of writers whom we had always looked upon as romanticists, and whom Mr. Hamilton's theory would place in the realistic school, while a similar number would change places in the opposite direction. Obviously, here also the issue involves a question of definition; but that does not prevent the chapter from being one of the most suggestive contributions to this vexed question that have appeared in many years.

It is inevitable, in a volume that covers so wide a range, that there should be many minor points on which one is tempted to take issue with Mr. Hamilton. For instance, when, in the chapter on Plot, he writes of Mr. Kipling's "Kim" that it is "picaresque in structure," "without beginning and without end," and that its central subject is "a healthy and normal, but not clever boy," any one who has deeply studied and admired "Kim" feels like protesting that, on the contrary, far from being picaresque, it has one of the most subtly and elaborately constructed patterns of any English novel of corresponding scope, and that the boy concerned is almost as abnormal in his way as is Mowgli of the "Jungle Tales." But, as already hinted, a distinct part of the stimulus of this vital and enjoyable book arises from precisely this sort of independent and incisive opinion, on a great variety of subjects, in books and in life. And the fact that the whole is couched in uniformly smooth, harmonious and lucid English adds not a little to the satisfaction of those readers whose minds and ears are attuned to an appreciation of style.

FREDERIC TABER COOPER.

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WORLD-POLITICS.

LONDON: PARIS: WASHINGTON.

LONDON, *September, 1908.*

BY the time this letter appears in print Mr. John Redmond and Mr. Devlin will be stumping the United States on behalf of the exchequer of the Irish Nationalist Party. England is used to such missions and is not greatly perturbed by them.

Yet it is a most curious and interesting phenomenon—a phenomenon, indeed, so far as my knowledge goes, without parallel in the world of politics—that eighty members of the British House of Commons should be drawing their inspiration and to a very large extent their sustenance from sympathizers in a foreign land. On general principles alone one would be fairly safe in calling it also an unhealthy phenomenon. But to any one with the smallest knowledge of the realities of Ireland and of the Irish character it is more than unhealthy—it is absolutely poisonous. Look at it whichever way you please, it is a reflection on the virility of the Irish Nationalists and on their capacity for self-sacrifice that they should show this constant and pronounced unwillingness to support their cause out of their own pockets. It is not as though they had not the money. There are at this moment some three hundred million dollars on deposit in the joint stock banks, the post-office and the savings-banks of Ireland. The number of professed Nationalists in the country can hardly be less than three million. I am willing for the purposes of this argument to write two-thirds of them off the list as non-effectives. That would leave a million convinced Home-Rulers. If each of them were to subscribe to the Party funds a sum of twenty-five cents a year, an annual income of $250,000 would be the result; and this amount would be amply sufficient to provide for the support of the eighty-odd Nationalist M.P.'s and leave a handsome

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margin for the purposes of propaganda. I repeat that the Irish people have the money. They spend about seventy million dollars every year on drink and some seventeen million dollars every year on tobacco, and there always appears to be plenty of loose cash when it comes to a question of horse-racing or of building a new church. Yet they are so niggardly in the support of the cause of Nationalism that their leaders have to tramp the world, cap in hand, begging for the means to carry on their work. With an endless flow of rhetoric they reiterate that nothing but Home Rule will satisfy them, yet they hand over to Americans and Australians the irksome duty of financing the agitation that presumably lies so near their hearts.

But Americans also, as it seems to me, have a considerable responsibility in this matter. They have given with astounding generosity, but do they, I wonder, really know to whom they are giving or for what purposes their contributions are used? Ireland is a most difficult country to understand; indeed, except for those who live in it and are in daily touch with its amazing problems I would go so far as to say it is incomprehensible. Are Americans, for instance, aware of the wide-spread revolt against the personnel and policy of the Nationalist Party that has grown up throughout all Ireland in the last few years? Do they realize that it is the fixed habit of the Nationalist politicians to postpone all work of practical amelioration until the constitutional issue is settled? Do they also realize that when others who either do not favor Home Rule or are tired of waiting for it, have initiated movements of immediate and constructive beneficence, movements eagerly accepted and welcomed by the people, the Nationalist politicians have done all they could to cripple them? Have Americans heard of the treatment meted out by the Irish Party to Sir Horace Plunkett, the best and most helpful friend Ireland has ever had? Have they been told that the official Nationalists oppose with all their might the idea that the salvation of Ireland is to be wrought, not by speeches and stratagems in the House of Commons, but by the practical work of Irishmen in Ireland? Is it even understood in America that Home Rule has absolutely ceased to be a vital issue in British politics and cannot be resurrected so long as Irish Nationalism is conducted along its present lines? Do Americans appreciate the fact that the moneys they so lavishly contribute are used to

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perpetuate clerical control over popular education and to suppress agricultural co-operation in the interests of the rural shopkeeper and money-lender? Have they considered how demoralizing it must be that the cause of Irish Nationalism should be financed from extra-Irish sources, by men who do not live in Ireland, who know very little about it, and who are in no way responsible for its welfare; that the centre of gravity of the Irish movement should thus be shifted from Ireland itself to another country; and that the Irish people should thus be relieved of the necessity of thinking and acting for themselves and of bearing the expense of their own political work?

I am myself a convinced Home-Ruler, to the extent of desiring and working for a radical change in the system and spirit of English rule in Ireland that will directly associate the Irish people with the management of their own affairs. Moreover, I profoundly admire the extraordinary fidelity of Irish-Americans to what they believe to be the cause of Irish welfare. But I am confident that in supporting the Nationalist Party, with its present policy and its present personnel, they are unwittingly defeating the very end they have in view. They are helping to foist upon the Irish people a set of politicians who no more represent Irish Nationalism than Mr. "Fingy" Conners represents America. They are making possible the continuance of a Party that turns away from the problems of industrial and agricultural betterment in Ireland in order to strut and fume and pose and manœuvre in the English House of Commons. They are standing, in short, between the Irish people and the genuine, constructive, Home Rule movement which, but for the politicians, would assuredly be evoked. That Americans, the supreme individualists and business men of the earth, should be subsidizing an agitation which suppresses self-reliance, disdains industry and is controlled by priests, publicans and usurers, is to me a most amazing paradox. There are any number of directions in which their assistance would be invaluable in promoting Irish well-being. There are schools to be built, technical colleges to be founded, the whole field of industrial enterprise to be developed, Sir Horace Plunkett's magnificent work in organizing the Irish farmers in co-operative societies to be expanded, the Gaelic League to be enabled to redouble its vivifying efforts.

Except for one incident British domestic politics have been

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moribund during the holidays. That incident, however, is not without its interest. The Labor Party, a strong and usually a statesmanlike Party in most matters of social policy, is singularly weak and uninformed on foreign and Imperial questions. I fancy that the time will come when this defect will cost it dear. The common-sense of the English people does not relish such mischievous exhibitions as Mr. Keir Hardie's tour in India or as the opposition to the King's visit to Russia a month or two ago. The electorate, again, without any distinction of Party, is firmly resolved to maintain British supremacy at sea. A popular revulsion, therefore, is by no means impossible against a Party many of whose members seem to favor governing India as though it were a larger Yorkshire, speak with cold contempt of the Empire, regard it as a sort of treason to the cause of democracy that Great Britain should have any relations with Governments whose constitution is less liberal than her own, and would willingly devote to social reform the millions that are now spent on armaments. The conditions and training of the Labor men have not, in fact, given them any opportunity of studying international politics at first or even second hand. They drift, therefore, easily enough into that kind of sentimental Radicalism which refuses to regard war as a possible contingency and which subordinates national security to the claims of internal betterment. The supreme question in British external relations is the German question. An Anglo-German war may or may not be inevitable, but there is no doubt that a great many people on both sides of the North Sea believe it is. Nor is there any doubt that Englishmen generally look upon the growing naval strength of Germany as the greatest menace which has threatened their national existence since Napoleon's day. The Liberal Government is vaguely trying to deal with the situation by agreeing with Germany on a mutual limitation of armaments. The proposal is destined to fall through, because Germany positively declines to entertain it. It is much more probable, therefore, that the Government will next year meet the German challenge by floating a large naval loan that will lay down the British ship-building programme for some years to come and decide for another decade at least the relative strengths of the British and German navies.

This is a policy which is sure to meet with the resistance of the Labor men. The Labor men will not listen even to the sugges-

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tion of Anglo-German enmity. They declare the threatened German invasion of England to be "a deliberately manufactured scare concocted by the ghouls of both countries, who live by playing on the credulity of the public." These are Mr. Keir Hardie's own words. Those who endorse them believe apparently that to send a deputation of Labor M.P.'s to Germany as "messengers of peace and good-will" will suffice at any time to "kill the war spirit even before it is born." They rely on the pacific influences of "the organized Labor movement in both countries" to prevent all possibility of war. But not all Labor men are able to take this facile view of the situation. The Socialists in particular scout it utterly and their journals for the past few weeks have been filled with extremely able articles setting forth the plain facts of the case and attacking Mr. Keir Hardie's complacent myopia with the utmost vigor. That is a most interesting development. The Socialists are keenly aware of the German peril, do not flinch from whatever expenditure may be necessary to meet it and even advocate the creation of a national service army on the Swiss model. There cannot be much doubt that on this matter it is to the Socialist rather than to the Labor side that England as a whole inclines.

PARIS, *September, 1908.*

WHATEVER the reasons may be, no country can be more interested in another than France is in the United States of America. The amount of French literature on this subject appears almost overwhelming to the occasional student, and one wonders how one author after another succeeds in challenging rather than discouraging attention; but it is a fact that hardly one month passes without some addition to the already formidable mass, and that volume after volume finds readers. No less than seven or eight have been published in the course of the present year, and while I am writing another is announced from the pen of the editor of the "*Matin.*" I will content myself with noticing four of these books written from very different standpoints.

One is the work of M. Hugues le Roux, an amateur explorer in high favor with select female audiences, whose incentive in seeking distant shores is evidently the pleasure of being able to describe them. His latest production is called "*L'Amour aux Etats-Unis,*" but it would have been much more accurately en-

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titled: "Of the Incredible Difficulty of Finding and Keeping a Wife in America." It is a chatty, frothy, heartless and, on the whole, depressing explanation of America, from the fact that there are two million more men than women in the country, and that the latter take a merciless advantage of these conditions of the matrimonial market. The book has not gone far beyond the *boulevard,* for which it had been written, but it has been successful there, and many clubmen will rest satisfied that things are the same everywhere, after all, and not so very difficult to understand, either.

It seems a mockery to place the Vicomte d'Avenel beside the brilliant theorist we have just mentioned. A remarkable historian, first of political and religious, then of economical, development, he has been gradually drawn toward a plain description of the modern economical phenomena, and he refrains from going further than the mere statement of their conditions. He is not a good, nor even a correct, though he is sometimes a very impressive, writer; but he is a guarded, accurate observer, and, in spite of his aversion to classifying and generalizing, the facts, as he has seen them, speak so well for themselves that the reader feels enlightened as well as informed. Certainly no amount of speculation would strike us as much as the plain sentence with which M. d'Avenel begins his work: "It is by her agriculture that America keeps up her industries," or even as the order in which he arranges his notes under the headings, Agriculture, Business, Ideas.

Most French people would reverse the order, and, after inquiring about American customs and ideals, would have some curiosity left for what seems generally the immediate fountain of American prosperity, but none for its initial factor. No reader of "*Aux Etats-Unis*" will make that mistake after being told that the agricultural concern supplies the manufactures, not only with their materials, but with almost a billion dollars of their capital. I must add that nothing is more interesting than the presentment of these technicalities by M. d'Avenel. Scientific agriculture, as he has seen it carried on in New Mexico, for instance, can fail to interest only the hopelessly frivolous. However, in spite of his admiration for the methods and their results, he complains that the fields, subject to this treatment, look almost like factories, and that the American farmer has no love for Mother Earth.

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The chapters devoted by M. d'Avenel to what he calls "Business" will startle the French reader—by the assumption that the wealth of a nation is not the money heaped up in its coffers or lurking in "woollen stockings," but its spirit of enterprise. It is in vain that other travellers have already told the story of enormous stocks of machinery being thrown away by their proprietors, just because a new invention had left them a little behind the times. The faith implied in these acts of plain common-sense must still appear to the European mind as sublime folly.

The lucid, sober, but very French, work of M. André Tardieu, "*Notes sur les Etats-Unis*," though professing to cover a comparatively wide field, has the fault of being pre-eminently the work of a specialist, unconsciously magnifying the details more especially interesting to him, and leading the reader astray in consequence. M. Tardieu's chief interest is politics, above all, foreign politics; and the result is that his very interesting pages are little more than a photograph of the political and diplomatic circles in Washington.

Two aspects of the political life seem to have particularly arrested M. Tardieu's attention. One is the situation of the President, because that is a wonderful novelty for the French; and the other, the possibility of American interferences outside the United States, because that is in the writer's own province. The importance of the Presidency of the United States and the heat of the contest for it cannot fail to strike the Frenchman, even the professional Frenchman, who finds himself for the first time on the spot. It is all so different from what he has seen in his own country. The Presidency of the French Republic has been, with all its occupants but three, so entirely nominal that the change from one to another passes completely unperceived.

How different the rôle and situation of an American President, especially when he happens to be a Roosevelt. M. Tardieu goes into all the details of delegation, convention and election with which the Parisian papers will be amply provided until November, and describes at length the working of the American executive power. There is something piquant in a Frenchman's pointing out the differences between the power of the so-called irresponsible head in a real democracy and the universal irresponsibility in a monarchy in disguise, like the French Republic. M. Tardieu,

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like most French people, has the greatest admiration for Mr. Roosevelt, and reverts constantly to his magnetism, his ideas and utterances. But it is impossible to spend ten weeks in America at the present moment without hearing much that will not fit in with the ideal Roosevelt of the French newspapers. M. Tardieu points out the moralizing excess in the President, his habit of changing a conference into a lecture, and quotes a judgment of Mr. Vanderlip speaking of Mr. Roosevelt as a preacher instead of being a financier, a man who knows nothing of economical questions, and chooses to deal with them just when they are the most difficult, thus adding a panic to the economical crisis. On the other hand, he thinks the President right in insisting on definite regulations for the railways.

Of the chapters devoted in these "*Notes*" to the foreign policy of the United States, nothing can be said that would seem otherwise than commonplace to the American reader. The impression carried away by M. Tardieu is that, "in spite of a grumbling Senate and a passive public opinion, the United States has a foreign policy and interferes in the affairs of the world." He feels sure that interventions, like those we have seen during the Moroccan difficulties and during the Russo-Japanese negotiations, will become more and more frequent—as, for instance, in the Congo Free State! But this is a matter in which impression means only divining the future. There is more to be said of an impression regarding the present, almost sentimental in its nature, and which M. Tardieu has recorded in two different chapters of his work. I mean his impression of the American feeling toward France.

Many people have told him their surprise that Mr. Barrett Wendell had judged France as favorably as he has done in his "France of To-day." M. Tardieu, like every Frenchman who comes to America, has found there a warm welcome and a traditional sympathy, but the attraction that France exercises does not seem to him the right one. To most Americans, France is still the home of art, taste, elegance, but she has ceased to be a power with which one ought to count; nay, he knows it and does not care much. Of the amount of French wealth, of French aspirations and passions, of the continuity of the foreign policy of France, nothing is said, because nothing is even suspected. The disaster of 1870, the assumption that French literature is

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exclusively of the kind that is commonly exported, account for that opinion.

Such is the judgment, if not of the man in the street, at least of the man in a reading-room at New York or Washington. M. Tardieu has put questions to persons in higher situations, and the impression derived from their answers is that all the sympathies or dislikes of Americans are tinged by one sentiment deeper than all the others—viz., the unquestioned superiority of their own country. America is, in his own words, supremely and splendidly egotistical. One statesman whom he was interviewing told him quite frankly that "the American policy toward Europe was one of indifference, and, to be quite honest, of indifference slightly touched with disdain." America is too careful of her greatness not to make everything and everybody subservient to it.

M. Tardieu invites his countrymen not to forget the gratitude they owe the United States for its attitude at the Algeciras Conference, but draws their attention at the same moment to the fact that this attitude was evidently influenced by an anxiety to see German power at a standstill. This observation may help one more than all the rest of his book to understand the spirit and position of a Frenchman strongly drawn toward America, but on his guard against a sentimental policy.

Both M. d'Avenel and M. Tardieu devote at least one chapter of their books to the state of Catholicism in the United States, but the Abbé Klein has written a whole volume and a series of articles in the "*Correspondant*" on the subject. His tone is constantly sympathetic and admiring, and leaves the impression that the author has been too well received everywhere by his clerical brethren not to have lost in some degree his critical independence. However, this presentment of facts leaves the facts where they are, and the wide circulation of the Abbé Klein's "*Au Pays de la Vie Intense*" is a most fortunate circumstance just at this stage of the religious history of France. Many a French Philistine will stare on reading in M. Tardieu's book the account of a luncheon at the White House, where two Catholic Bishops were in company with one of their Anglican brethren, and many a despondent Catholic will pluck up spirit at hearing how the same power of adaptability, energy and enterprise which characterizes the American merchant is also revealed in the work of the American priest. M. d'Avenel hints in one place of his volume that some Catholics

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refrain from mentioning their creed, as the disclosure might be in the way of their worldly advancement. But this misleading notice of probably one or two individual cases is contradicted on every page of the Abbé Klein, and the general feeling among the reading public of France will remain that the American Catholics are proud of being so, and not without reason.

The upshot of the object-lesson presented in these attractive pages is that the American clergy are successful with their people because they do something for them. In fact, whoever has inquired into the causes of the religious greatness of the Middle Ages must have noticed that the Church was beloved and revered not because she was strong and powerful, but because she was a beneficent factor in the civilization of the day. France has to re-learn now from a young country the teaching which her own history is no longer sufficient to remind her of. Will she do it? Probably. Books on American zeal and earnestness would be of little value if the French clergy were not inclined to read them so as to profit by the reading. Now, it is a fact that after years of passivity, during which the most contagious examples would have left them indifferent, the Bishops and priests of France have suddenly become attentive to what takes place outside their own country and try to copy it. In the last two years, the necessity of bringing a sufficient number of men together and of raising sums adequate to meet the difficulties of their new situation, has compelled them to appeal to their flocks and see more of them than they had done in the thirty years before. There is, undoubtedly, a revival of interest among the faithful in the Church they have just begun to support, and there is a rapidly growing feeling among their leaders that, as long as they keep in contact with the people, the methods matter little. It is mostly through rural banks and through societies intended to promote mutual assistance that they have endeavored till now to renew acquaintance with their estranged compatriots. Twelve years ago, this used to be called "Americanism" by people who knew no more of America than they did of the moon; now it is only called "Catholic action." Of American "Modernism," the Abbé Klein wisely refrains from speaking, but M. d'Avenel concludes his volume wondering whether the Church which has first adopted modern ways in its every-day dealings will also adopt modern ways of thinking. Is the *Zeitgeist* to be reconciled to faith in America before it is

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in Europe? The question has been put by many another inquiring mind before, and never answered. Perhaps the solution lies in the prudence of a Scot's answer: in what country is the demand for and adaptation of Christianity to the undoubted principles of the new criticism and philosophy greater? Not in the Catholic American community, it seems to me; and the details of an Episcopal nomination which have lately found their way into the papers demonstrate that, even in the United States, doctrinal supervision is as strict as in the oldest countries. Modernism will remain for a good many years to come the business of a few quiet gardeners engaged in the grafting on old plants of new ones in ancient European gardens. When their work is perfect, the seeds that they will have created will be eagerly sought in America, and nobody can tell how much stronger they will become in that life-giving soil.

WASHINGTON, D. C., *September, 1908.*

NOBODY, of course, expected any energy to be injected into the Presidential campaign on either side before September, and even September was pretty well advanced before the Republicans awakened to the fact that they had a fight on their hands. The State elections in Vermont and Maine seemed to indicate the existence of a certain amount of apathy, so far as national issues were concerned. Very little comfort, however, could be found by Mr. Bryan in the returns from Vermont, where the Republican plurality must have appeared tremendous to any one who did not compare it with that obtained in September, 1896. In Maine, on the other hand, the Republican plurality fell below 8,000, but so it did in 1906. Most people seem to forget that in 1880 the Democrats, in conjunction with the Greenbackers, actually elected a Governor in September, but the fact did not prevent Garfield from carrying the State two months later by a plurality of nearly nine thousand. We may continue, therefore, with absolute confidence to place Vermont and Maine in the Republican column, where in Presidential years they have always been since 1860. The outcome of these State elections seems to have had an electrifying effect on the Republican campaign managers, for, on the one hand, they have convinced Mr. Taft of the expediency of taking the stump himself, while, on the other hand, they have

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recognized the wisdom of uniting in earnest support of their candidate all elements of the Republican party. In Ohio Senator Foraker, whom it would have been folly to alienate, has been won over, and the same thing is true of Senator La Follette, who undoubtedly represents the dominant political force in Wisconsin. The Republican managers also became alive in the nick of time to the unquestionable truth that their organization could not pose any longer as the party of moral ideas, if the petty wirepullers in New York were permitted to withhold a renomination from Governor Hughes. After much pondering, they arrived at the conclusion that they could better afford to lose New York with Hughes than by a repudiation of him to imperil their hold upon the Middle West. In the singularly complicated condition of New York politics, they perceived it to be quite on the cards that the Republicans might lose the Governorship in that State, and yet secure its electoral votes for their Presidential candidate —as happened in 1888, when Warner Miller "fell outside the breastworks." So far, then, the Republican managers seem not to have made any serious blunders in political strategy, and we do not observe that their organs are belaboring with ferocity the Hearst candidates, every vote for whom is a half vote for Taft.

We must, on the other hand, acknowledge that the canvass-making by and for William J. Bryan is more vigorous, and, perhaps, we should add, more promising, than that which he undertook in 1900. He made some blunders at the Denver Convention, but he has done his best to correct them, by placating Guffey in Pennsylvania and McCarren in Brooklyn. Some plausible first-hand evidence from the trans-Mississippi States seems to show that he has recovered much, if not all, of the popularity which he possessed in that region twelve years ago. If this report should prove well founded, the Presidential contest may prove much closer than it was supposed likely to be. Well-informed persons say that, but for Hearst, Bryan would carry California, Oregon and Washington, and that he has a fair chance of winning not only Idaho, Wyoming, Utah, Montana, Colorado, North Dakota and South Dakota, but even Kansas, Nebraska and Minnesota. All of those States, put together, would produce a total of 73 electoral votes, which, added to those which Bryan is credited with by his opponents, would give him 234, or only 8 less than are needed to elect. There would remain Iowa, Illinois, Indiana and

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New York, which the Democratic managers now seem to think worth fighting for.

A phenomenon which is giving the Republican managers some uneasiness is the tendency of conservative Democrats to give Bryan more or less hearty support, instead of obeying the Republican injunction to vote for Taft as they voted for McKinley. Much less impression than was expected seems to have been made upon the sober-minded members of the Democratic party by Mr. Cleveland's posthumous letter. Judge Alton B. Parker, who presided over the New York State Democratic Convention, made an earnest and, manifestly, a sincere, appeal for Bryan, who, by the way, has accepted invitations to visit the Judge at Esopus and ex-Senator Hill at Albany. On September 17th Mr. Bryan was invited to dine and meet the Democratic leaders of Delaware at the house of Judge Gray, who must be accepted as a typical Cleveland Democrat. The most remarkable demonstration in favor of Bryan, however, on the part of conservative Democrats was made on the same day by Richard Olney, Secretary of State in Mr. Cleveland's second administration, in a letter of some five columns, addressed to the New York "World." In that letter the writer examines and undertakes to refute all of the arguments brought forward to convince conservative Democrats that they ought to vote for Mr. Taft, and then goes on to maintain that there are sufficient grounds on which not only Democrats, but even Republicans who do not make a fetich of party allegiance, may well reach the conclusion that the Republican party itself, as well as the country at large, would be benefited by the defeat of that party next November. In the matter of tariff, for instance, a large and influential section of the Republican party would be benefited by the victory of the Democracy. The professions of the Republican campaign managers that genuine tariff reform would be brought about by the Republican party, should it obtain control of all branches of the Government, Mr. Olney brushes aside as bait for gudgeons before election, and negligible quantities forever afterward. Admitting that a Democratic President and a Democratic majority in the House, although supported by a large and influential section of the Republican party, might be beaten by a Republican Senate, Mr. Olney insists that a long step would be taken toward the ultimate triumph of tariff reform, by demonstrating what a great body of public opinion is behind it. Even

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Senators, he says, can be convinced that the public sentiment in favor of a measure or a policy is too powerful to be trifled with.

To the plea that Democrats should vote for Mr. Taft instead of Mr. Bryan, because the former's election would mean good business and the latter's the reverse, ex-Secretary Olney replies that it is the Roosevelt policies, enforced by the Roosevelt methods —there is nothing to the Roosevelt policies, he says, except the methods—which have brought bad business, and, if Mr. Taft is elected, and does what he is leading the Roosevelt wing of his party to expect, he will continue, not only the Roosevelt policies, but the Roosevelt methods. Even though it be granted, on the other hand, that Mr. Bryan's election would mean the pursuance of the Roosevelt policies, it would also mean, in Mr. Olney's judgment, decent and sane methods of executing them, not merely because such methods may fairly be expected to be his choice, but because any other methods would be beyond his power. With one branch of Congress against him, and, perhaps, both branches, any measures proposed by the National Executive would be doomed to failure, unless commended by their own intrinsic merits.

After declaring that what the country is most pining for, after a long period of hysteria, is rest, and that what its business prosperity most needs is stable business conditions, Mr. Olney submits that, if a Taft Presidency means a perpetuation of the unsettling, exciting and perturbed conditions which have characterized the Roosevelt administration—if Taft is to be a second Roosevelt, as he and his friends represent and promise—then the advance of the looked-for prosperity boom will be delayed as much as politics is able to delay it. The advantage which Mr. Olney sees in a Bryan Presidency from a business point of view is that for an indefinite period novel and startling experiments with the industries of the country would be at least deferred, and that capital and labor alike could for a season at least count upon the facts essential to the intelligent and successful conduct of business.

Ex-Secretary Olney also declares it unquestionable that the Republican party's defeat next November would tend to check encroachments of the general Government on the rights and powers of the States. That such encroachments are now going on is undeniable. United States Circuit Courts have had to re-

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buke two of them in the Standard Oil and anthracite-coal railway cases. Of the Democratic party, on the other hand, it is the distinguishing merit that it is, and is sure to remain, opposed to any infringement of the constitutional jurisdiction of the States.

Finally, Mr. Olney drew attention to the great evils resulting from the inordinately long continuance in power of one political party. Compared with such evils, any possibly injurious consequences of a change of administration seemed to him insignificant. We are reminded that the Republican party has now been in power almost uninterruptedly for nearly fifty years—during the whole of that period the Democratic party has been in control of all three branches of the Government only two years. The inevitable, of course, has happened. The Republicans have come to believe that they can do pretty much as they choose, any uprising against their party by the people being almost unthinkable. It must not, for a moment, be supposed that Mr. Olney exempts the Democratic party, as at present constituted, from grave criticism. He begins his letter by being as severe in his strictures as was Mr. Cleveland. Yet he ends by recognizing that, taken as a whole, the Democratic party is the best organized protest there is against Republican misrule, against the excesses of all sorts brought on by the long Republican revel in unlimited power—against excesses in expenditures, in taxation, in territorial expansion, in the creation and maintenance of military armaments, in the enlargement of the sphere of executive action and in the concentration of power in the Federal Government to the enfeeblement of the State Governments.

There is no doubt that Mr. Olney's letter is the most cogent thing yet said on behalf of Mr. Bryan, and, should the latter by any chance become President, he will be ungrateful if he does not urge Mr. Olney to become again Secretary of State. We cannot but feel, however, that Mr. Olney has come forward as the champion of a lost cause. We do not believe that Mr. Bryan can carry all, or even most, of the trans-Mississippi States claimed for him by enthusiastic partisans. We do not believe that he can carry Iowa, Illinois or Indiana. We find it difficult to believe that he has any chance of carrying New York, because, aside from the handicap which it is said the presence of Governor Hughes on the Republican ticket may prove, it seems to us that the defection of the Hearst vote will defeat him.

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THE EDITOR'S DIARY.

Jewish Criminality in New York.

POLICE COMMISSIONER T. A. BINGHAM, of New York, has authorized the publication of the following statement in relation to his article on "Foreign Criminals in New York" which appeared in our last number:

"My attention has been called to a serious complaint, made by Jewish citizens concerning a passage in an article recently published in THE NORTH AMERICAN REVIEW, entitled 'Foreign Criminals in New York,' in which I said that, under existing conditions, 'it is not astonishing that with a million Hebrews, mostly Russian, in the city (one-fourth of the population) perhaps half of the criminals should be of that race,' and in which comment was made on the percentage of Jewish boys in the House of Refuge.

"My purpose in writing the article was not to publish statistics, nor to enter upon a scientific inquiry into the race or religion of those charged with criminality, but solely to make a plea for a secret-service fund in order that criminality might be more effectively dealt with than is now possible.

"To indicate the necessity for additional weapons to cope with crime, it was pointed out that crimes of various kinds are committed by those of our population who are of foreign origin which cannot be adequately reached by the police force as now constituted. It was only incidentally that the remarks were made which have been challenged.

"The figures used in the article were not compiled by myself, but were furnished me by others, and were unfortunately assumed to be correct. It now appears, however, that these figures were unreliable. Hence it becomes my duty frankly to say so and repudiate them.

"The idea which I sought to impress was that the number of foreigners with whom the police come in contact is very large, and that a special knowledge of racial customs and manners is essential to the attainment of the best results by the police in the investigations of crimes committed by and against those of foreign origin.

"The percentage given of Jewish boys in the House of Refuge is, it appears, also misleading. This proportion of boys, it is now pointed out,

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should be considered not solely in relation to the total number of boys in the House of Refuge, but with reference to the total number of boys in all similar institutions where boys of this age and of other races and faiths are sent. The proportion of Jewish boys considered in relation to the inmates of other like institutions would be, of course, radically different.

"In view of all this, and of the fact that many estimable citizens feel hurt by what I wrote without the slightest malice, prejudice or unfriendliness, for I have none, I withdraw the statements challenged frankly and without reserve. I shall look forward with interest to the result of the research of the committee of representative citizens which is now engaged in making an accurate and exhaustive study of this whole question, and shall be glad to meet them."

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LA SENTENCOJ DE SALOMONO.*

(El la Biblio.)

EL LA ORIGINALO TRADUKIS, L. L. ZAMENHOF.

ĈAPITRO XXIII.

(1) Kiam vi sidiĝos, por manĝi kun reganto, rigardu bone, kio estas antaŭ vi. (2) Kaj vi metos tranĉilon al via gorĝo, se vi estas avidulo. (3) Ne deziru liajn bongustajn manĝojn, ĉar ĝi estas trompa pano. (4) Ne penu riĉiĝi, forlasu vian pripensadon. (5) Vi direktos viajn okulojn al ĝi, kaj ĝi jam ne ekzistos, ĉar ĝi faros al si flugilojn kiel aglo kaj forflugos al la ĉielo. (6) Ne manĝu panon de malbondeziranto, kaj ne deziru liajn bongustajn manĝojn. (7) Ĉar kiaj estas la pensoj en lia animo, tia li ankaŭ estas: "Manĝu kaj trinku," li diros al vi, sed lia koro ne estas kun vi. (8) La pecon, kiun vi manĝis, vi elvomos, kaj vane vi perdis viajn agrablajn vortojn. (9) En la orelojn de malsaĝulo ne parolu, ĉar li malŝatos la saĝecon de viaj vortoj. (10) Ne forŝovu antikvajn limojn, kaj sur la kampon de orfoj ne iru. (11) Ĉar ilia savanto estas forta, Li defendos ilian aferon kontraŭ vi. (12) Elmetu vian koron al instruo kaj viajn orelojn al paroloj de prudento. (13) Ne malvolu puni knabon: se vi batos lin per kano, li ne mortos. (14) Vi batos lin per kano, kaj lian animon vi savos de la infero. (15) Mia filo, se via koro estos saĝa, tiam ĝojos ankaŭ mia koro. (16) Kaj mia internaĵo ĝojos, kiam viaj lipoj parolos ĝustaĵon. (17) Via koro sin tiru ne al pekuloj, sed al timo antaŭ Dio ĉiutage. (18) Ĉar ekzistas

* Dr. Zamenhof has made this translation of Proverbs from the original text especially for The North American Review. The first chapter appeared in the December, 1907, issue. The subsequent chapters will be published during 1908.

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estonteco kaj via espero ne perdiĝos. (19) Aŭskultu vi, mia filo, kaj estu saĝa kaj direktu vian koron al la ĝusta vojo. (20) Ne estu inter la drinkantoj de vino, inter tiuj, kiuj malĉastigas sian karnon. (21) Ĉar drinkemulo kaj manĝegemulo malriĉiĝos kaj dormemulo havos sur si ĉifonaĵojn. (22) Aŭskultu vian patron, kiu vin naskigis, kaj ne malŝatu vian patrinon, kiam ŝi maljuniĝos. (23) Veron aĉetu, kaj ne vendu saĝon kaj instruon kaj prudenton. (24) Grandan ĝojon havos patro de virtulo, kaj naskinto de saĝulo ĝojos pro li. (25) Via patro kaj via patrino ĝojos, kaj via naskintino triumfos. (26) Donu, mia filo, vian koron al mi, kaj al viaj okuloj plaĉu miaj vojoj. (27) Ĉar malĉastulino estas profunda foso, kaj fremda edzino estas malvasta puto. (28) Ŝi embuskas kiel rabisto kaj kolektas ĉirkaŭ si malhonestulojn. (29) Ĉe kiu estas ploro? ĉe kiu estas ĝemoj? ĉe kiu estas malpaco? ĉe kiu estas plendoj? ĉe kiu estas senkaŭzaj batoj? ĉe kiu estas malklaraj okuloj? (30) Ĉe tiuj, kiuj sidas malfrue ĉe vino, ĉe tiuj, kiuj venas, por gustumi aroman trinkaĵon. (31) Ne rigardu la vinon, kiel ruĝa ĝi estas, kiel ĝi brilas en la pokalo, kiel bone ĝi eniras: (32) En la fino ĝi mordas kiel serpento kaj pikas kiel vipuro. (33) Viaj okuloj rigardos al fremdaj edzinoj, kaj via koro parolos malĝustaĵojn. (34) Kaj vi estos kiel dormanto meze de la maro kaj kiel dormanto sur la supro de masto. (35) Ili batis min, sed ĝi min ne doloris, ili frapis min, sed mi ne sentis; kiam mi vekiĝos, mi denove tion serĉos.

ĈAPITRO XXIV.

(1) Ne sekvu malbonajn homojn kaj ne deziru esti kun ili. (2) Ĉar ilia koro pensas pri perfortaĵo kaj ilia buŝo parolas malbonaĵon. (3) Per saĝo konstruiĝas domo, kaj per prudento ĝi fortikiĝas. (4) Kaj per sciado la ĉambroj pleniĝas per ĉia havo grandvalora kaj agrabla. (5) Homo saĝa havas forton, kaj homo prudenta estas potenca. (6) Kun pripenso faru militon, kaj venko venas per multe da konsiliĝo. (7) Tro alta estas la saĝo por malsaĝulo; ĉe la pordego li ne malfermos sian buŝon. (8) Kiu intencas fari malbonon, tiun oni nomas maliculo. (9) Malico de malsaĝeco estas peko, kaj blasfemanto estas abomenaĵo por homo. (10) Se vi montriĝis malforta en tago de mizero, via forto estas malgranda. (11) Savu tiujn, kiujn oni prenis por mortigi, kaj ne fortiriĝu de tiuj, kiuj estas kondamnitaj al morto. (12) Se vi diras "ni tion ne sciis,"—la esploranto de koroj ja

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komprenas kaj la gardanto de via animo ja scias, Kaj Li redonas al homo laŭ liaj faroj. (13) Manĝu, mia filo, mielon, ĉar ĝi estas bona, kaj freŝa mielo estas dolĉa por via gorĝo; (14) Tia estas por via animo la sciado de saĝo, se vi ĝin trovis; kaj ekzistas estonteco, kaj via espero ne pereos. (15) Ne insidu, malvirtulo, kontraŭ la domo de virtulo, ne ataku lian ripozejon; (16) Ĉar sep fojojn virtulo falos kaj tamen leviĝos, sed malvirtuloj implikiĝas en la malfeliĉo. (17) Kiam falas via malamiko, ne ĝoju, kaj ĉe lia malfeliĉo via koro ne plezuriĝu; (18) Ĉar eble Dio vidos, kaj tio ne plaĉos al Li, kaj Li returnos de li Sian koleron. (19) Ne koleru kontraŭ malbonfarantoj kaj ne enviu la malvirtulojn; (20) Ĉar la malbonulo ne havos estontecon, la lumilo de malvirtuloj estingiĝos. (21) Timu, mia filo, Dion kaj la reĝon, kun ribeluloj ne kominikiĝu. (22) Ĉar subite venos ilia pereo, kaj kiu scias, kiam venos la puno de ambaŭ? (23) Ankaŭ ĉi tio estas vortoj de saĝuloj: konsideri personojn ĉe juĝado estas ne bone. (24) Kiu diras al malvirtulo "vi estas virtulo," tiun malbenos popoloj, tiun malamos gentoj. (25) Sed kiuj faras riproĉojn, tiuj plaĉas, kaj sur ilin venos bona beno. (26) Kiu respondas ĝustajn vortojn, tiu kisas per la lipoj. (27) Plenumu vian laboron ekstere, pretigu ĉion sur via kampo, kaj poste aranĝu vian domon. (28) Ne atestu sen kaŭzo kontraŭ via proksimulo, ĉar vi trompus per via buŝo. (29) Ne diru: "Kiel li agis kontraŭ mi, tiel mi agos kontraŭ li: mi redonos al la homo laŭ lia faro." (30) Mi pasis tra kampo de homo maldiligenta kaj tra vinberĝardeno de sensaĝulo; (31) kaj jen ĉie elkreskis urtiko, ĉio estas kovrita de dornoj, kaj la ŝtona muro estas detruita. (32) Kaj kiam mi vidis, mi prenis ĝin en mian koron, mi rigardis kaj ricevis instruon: (33) Ne longe vi dormos, ne longe vi dormetos, ne longe viaj manoj restos kunmetitaj por kuŝado; (34) Kaj venos via malriĉeco kiel migranto, kaj via senhaveco kiel viro armita.

ĈAPITRO XXV.

(1) Ankaŭ ĉi tio estas sentencoj de Salomono, kiujn kolektis la viroj de Ħizekio, reĝo de Jehudo. (2) Honoro de Dio estas kaŝi aferon, sed honoro de reĝoj estas esplori aferon. (3) La ĉielo estas alta, la tero estas profunda, kaj la koro de reĝoj estas neesplorebla. (4) Forigu de arĝento la almiksaĵon, kaj la puriganto ricevos vazon. (5) Forigu malvirtulon de la reĝo, kaj lia trono fortikiĝos en justeco. (6) Ne montru vin granda antaŭ

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la reĝo, kaj sur la loko de eminentuloj ne stariĝu; (7) Ĉar pli bone estas, se oni diros al vi "leviĝu ĉi tien," ol se oni malaltigos vin antaŭ eminentulo, kiun vidis viaj okuloj. (8) Ne komencu tuj disputi, ĉar kion vi faros poste, kiam via proksimulo vin hontigos? (9) Faru disputon kun via proksimulo, sed sekreton de aliulo ne malkaŝu; (10) ĉar alie aŭdanto vin riproĉos kaj vian babilon vi jam ne povos repreni. (11) Vorto dirita en ĝusta tempo, estas kiel oraj pomoj kun arĝentaj ŝeloj. (12) Kiel ora ringo kaj multekosta ornamo estas saĝa instruanto por aŭskultanta orelo. (13) Kiel malvarmo de neĝo en la tempo de rikolto, tiel estas fidela sendito por siaj sendintoj: li revigligas la animon de sia sinjoro. (14) Kiel nuboj kaj vento sen pluvo, tiel estas homo, kiu fanfaronas per dono, kiun li ne faras. (15) Per pacienco oni altiras al si potenculon, kaj mola parolo rompas oston. (16) Kiam vi trovis mielon, manĝu, kiom vi bezonas, por ke vi ne fariĝu tro sata kaj ne elvomu ĝin. (17) Detenu vian piedon de la domo de via proksimulo, ĉar alie vi tedus lin kaj li vin malamus. (18) Kiel martelo kaj glavo kaj akra sago estas tiu homo, kiu parolas pri sia proksimulo malveran ateston. (19) Kiel putra dento kaj malforta piedo estas nefidinda espero en tago de mizero. (20) Kiel luksa vesto en tempo de malvarmo, kiel vinagro sur potaso, tiel estas kantado de kantoj al koro suferanta. (21) Se via malamiko estas malsata, manĝigu al li panon, kaj se li estas soifa, trinkigu al li akvon. (22) Ĉar fajrajn karbojn vi kolektos sur lia kapo, kaj Dio vin rekompencos. (23) Norda vento kaŭzas pluvon, kaj ĉagrenita vizaĝo kaŝatan parolon. (24) Pli bone estas loĝi sur angulo de tegmento, ol kun malpacema edzino en komuna domo. (25) Kiel malvarma akvo por suferanto de soifo, tiel estas bona sciigo el lando malproksima. (26) Virtulo, kiu falas antaŭ malvirtulo, estas malklara fonto kaj malbonigita puto. (27) Ne bone estas manĝi tro multe da mielo, kaj ne glore estas serĉi sian gloron. (28) Homo, kiu ne povas regi sian spiriton, estas urbo detruita, kiu ne havas muron.

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CONTRIBUTORS TO THIS NUMBER.

GOLDWIN SMITH,

the venerable scholar, historian, critic and publicist, has enriched the pages of the REVIEW, at intervals, for many years, by contributions embodying his views and reflections upon subjects of public interest. He was educated at Eton and Oxford, and he acted for some time as tutor in University College, of which he was elected a Fellow in 1847. In 1858 he was appointed Regius Professor of Modern History at Oxford, and his tenure of that chair, which terminated in 1866, was distinguished by the delivery of a large number of lectures of extraordinary brilliancy which attracted the widest attention. On the opening of Cornell University, in 1868, having accepted the invitation tendered to him, he settled in the United States as Professor of English and Constitutional History in that institution. In 1871 he exchanged his post for that of a non-resident professorship. Among his works are "Irish History and Irish Character," "Lectures on Modern History," "Three English Statesmen —Cromwell, Pitt and Pym," and "The United Kingdom" —a political history of England down to 1841.

THE REV. DR. CHARLES F. AKED

was born at Nottingham, England, and educated at the Midland Baptist College and the University College, Nottingham. He was ordained to the Baptist ministry in 1886, and occupied, successively, pastorates at Syston, St. Helens and Earlstown, and Pembroke Chapel, Liverpool. From the last named pastorate he came last year to the Fifth Avenue Baptist Church, New York. From 1893 to 1907, Dr. Aked was Vice-President of the United Kingdom Alliance, and he was one of the founders of the Passive Resistance League (England). He is the author of a number of publications, including, "The Courage of the Coward," "A Ministry of Reconciliation" and "Mercies New Every Morning."

IDA HUSTED HARPER

studied at the University of Indiana and, later, took almost an entire course at Leland Stanford University. Mrs. Harper was for a number of years on the editorial staff of the Indianapolis "News," and for five years edited a signed department in the New York "Sun." She has travelled exten-

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sively and written for many of the leading newspapers and magazines. In 1899 she was sent to the International Council of Women in London as speaker on "The Women Journalists of the United States" and was elected Chairman of the International Press Committee. She was delegate and speaker at the International Council of Women which met in Berlin in 1904, and at the International Woman Suffrage Alliance in Copenhagen in 1906. Mrs. Harper is the author of the "Life and Work of Susan B. Anthony" in three volumes, and, jointly with Miss Anthony, of "The History of Woman Suffrage and the Progress of Women to the Close the Nineteenth Century."

PROFESSOR W. C. WILKINSON

is a graduate of the University of Rochester and of the Rochester Theological Seminary. He has filled important chairs in a number of colleges and universities, and since 1892 he has been Professor of Poetry and Criticism in the University of Chicago. He is the author of a number of volumes, including, "The Dance of Modern Society," "A Free Lance in the Field of Life and Letters" and "Edwin Arnold as Poetizer and as Paganizer."

FREDERICK COURTLAND PENFIELD,

after graduating at Russell's Military School in New Haven, Connecticut, went to Germany to pursue a special course of study. On returning, he joined the editorial staff of the *Hartford Courant*. In 1885, he went to London as Vice-Consul-General, and in 1893 he was appointed Diplomatic Agent and Consul-General of the United States to Egypt, with rank of Minister Resident, a post which he retained for four years. Mr. Penfield's efficient services were widely recognized. He was decorated by the French Government with the Palms of the French Academy, the Grand Cross of the Order of the Medjidieh was conferred upon him by the Sultan of Turkey, the Khedive made him Grand Commander of the Order of the Osmanieh, and numerous other foreign orders were conferred upon him. In recognition of his vigorously advocating in the press that the American Government construct the canal at Panama, and abandon the Nicaraguan route, Mr. Penfield was made an officer of the French Legion of Honor. He has travelled extensively in Japan, China, India and Africa, and in 1907 was hon-

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ored by Princeton University with the degree of Master of Arts.

THOMAS F. MEEHAN

was born in New York, where he made his studies at St. Francis Xavier's College, graduating there in 1874. On leaving college he took up newspaper work, in which he has since been engaged as editor of local papers and correspondent for other journals. He is now associate editor of "The Catholic Encyclopædia."

EMMET O'NEAL,

a native of Alabama, studied at the University of Mississippi and graduated at the University of Alabama. He was admitted to the bar in 1875. In 1893 he was United States Attorney for the northern district of Alabama. In 1892 he was Democratic Presidential Elector for the State at large. He was also a member of the Constitutional Convention for the State at large.

PRICE COLLIER

received his early education in Geneva, Switzerland, and Leipzig, Germany. He graduated at Harvard University in 1882, and for some years he was a Unitarian minister. He served through the Spanish-American war as naval officer, and was honorably discharged in September, 1898. Among his published works are "Mr. Picket Pin and His Friends," "America and the Americans from a French Point of View" and "A Parish of Two."

BRITANNICUS

is a well-known English writer, who for many years has made a close and comprehensive study of international politics, and of the questions which arise out of, or affect, the relations between the great European Powers.

GIFFORD PINCHOT

graduated from Yale in 1889. He studied forestry in France, Germany, Switzerland and Austria. He began the first systematic forest work in the United States at Biltmore, North Carolina, in January, 1892. He is a member of the National Forest Commission and Chief of the Division (afterward the Bureau) of Forestry, and now the Forest Service, in the United States Department of Agriculture. He is a member of the Commission on the Organization of Government Scientific Work. In 1903 he was appointed Commis-

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sioner on public lands. He is the author of "The Adirondack Spruce," "A Primer of Forestry" and (with H. S. Graves) "The White Pine."

ARTHUR C. HEFFENGER, M.D.,

is a well-known physician who is devoted to the interests of his profession. He has published various papers on medical subjects.

SYDNEY BROOKS

is an English journalist who has already contributed a number of articles to the REVIEW on a variety of subjects. He visited Ireland last year, and spent a number of months in observing on the spot existing conditions in that country.

CHRISTIAN GAUSS

was born in 1878 at Ann Arbor, Michigan. He studied at the University of Michigan and in Paris, and subsequently became a member of the faculty of his Alma Mater. At present he is a professor of Romance languages and literatures at Princeton. He has contributed both verse and critical articles to various magazines.

ALVAN F. SANBORN

was born at Marlboro, Massachusetts, in 1866, and was graduated from Amherst in 1887. After studying for a year in the Columbia School of Political Science in New York, he was associated editorially for some time with the D. Lothrop Company, publishers, Boston. In 1891, he was associate editor of the "International Cyclopædia," and, later, editor of "The Cottage Hearth." From 1889 to 1902 he was the regular Paris correspondent of the "Boston Transcript"; and, since 1905, he has been on the editorial staff of the "Boston Traveller." He has contributed freely to magazines, and among his published books are "Moody's Lodging-house and Other Tenement Sketches" and "Paris and the Social Revolution."

CHARLOTTE LOUISE RUDYARD

is a native of New York and a graduate of Vassar College. She engaged in journalism, being for some time connected with the news and editorial departments of the "Brooklyn Eagle," and later continuing in the field as free lance. She has been identified also with special study and tutoring in the English branches, and has made various contributions to the periodicals.

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